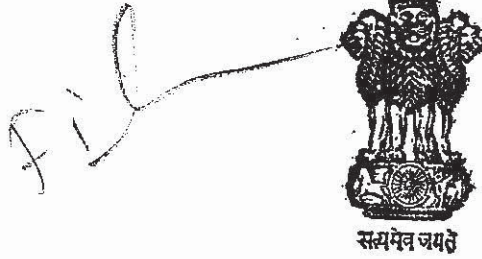


## Extra Ordinary Part - V / 2004

Extra No.	Date	Department
Extra No.1	17-02-2004	Legislative & Parliamentary Affairs Department
Extra No.2	17-02-2004	Legislative & Parliamentary Affairs Department
Extra No.3	17-02-2004	Legislative & Parliamentary Affairs Department
Extra No.4	17-02-2004	Legislative & Parliamentary Affairs Department
Extra No.5	20-02-2004	Legislative & Parliamentary Affairs Department
Extra No.6	20-02-2004	Legislative & Parliamentary Affairs Department
Extra No.7	24-02-2004	Legislative & Parliamentary Affairs Department
Extra No.8	24-02-2004	Legislative & Parliamentary Affairs Department
Extra No.9	24-02-2004	Legislative & Parliamentary Affairs Department
Extra No.10	24-02-2004	Gujarat Legislature Secretariat
Extra No.11	24-02-2004	Legislative & Parliamentary Affairs Department
Extra No.12	24-02-2004	Gujarat Legislature Secretariat
Extra No.13	25-02-2004	Legislative & Parliamentary Affairs Department
Extra No.14	25-02-2004	Legislative & Parliamentary Affairs Department
Extra No.15	25-02-2004	Legislative & Parliamentary Affairs Department
Extra No.16	07-05-2004	Legislative & Parliamentary Affairs Department
Extra No.17	13-05-2004	Legislative & Parliamentary Affairs Department
Extra No.18	15-05-2004	Legislative & Parliamentary Affairs Department
Extra No.19	15-05-2004	Legislative & Parliamentary Affairs Department
Extra No.20	21-05-2004	Legislative & Parliamentary Affairs Department
Extra No.21	26-05-2004	Gujarat Legislature Secretariat
Extra No.22	27-05-2004	Gujarat Legislature Secretariat
Extra No.23	27-05-2004	Gujarat Legislature Secretariat
Extra No.24	28-05-2004	Legislative & Parliamentary Affairs Department
Extra No.25	31-05-2004	Legislative & Parliamentary Affairs Department
Extra No.26	04-06-2004	Legislative & Parliamentary Affairs Department
Extra No.27	03-06-2004	Gujarat Legislature Secretariat

Extra No.	Date	Department
Extra No.28	03-06-2004	Gujarat Legislature Secretariat
Extra No.29	03-06-2004	Gujarat Legislature Secretariat
Extra No.30	05-06-2004	Legislative & Parliamentary Affairs Department
Extra No.31	05-06-2004	Legislative & Parliamentary Affairs Department
Extra No.32	07-06-2004	Legislative & Parliamentary Affairs Department
Extra No.33	09-06-2004	Legislative & Parliamentary Affairs Department





# The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XLV]

TUESDAY, FEBRUARY 17, 2004/MAGHA 28, 1925

Separate paging is given to this Part in order that it  
may be filed as a Separate Compilation.

## PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

**THE BOMBAY BETTING TAX (GUJARAT REPEAL) BILL, 2004.**

**GUJARAT BILL NO. 1 OF 2004.**

### A BILL

*to repeal the Bombay Betting Tax Act, 1925  
in its application to the State of Gujarat.*

It is hereby enacted in the Fifty-fifth Year of the Republic of India  
as follows :-

1. This Act may be called the Bombay Betting Tax (Gujarat Repeal) Act, 2004. Short title.

Bom. VI of  
1925.

2. (1) The Bombay Betting Tax Act, 1925 in its application to the State of Gujarat is hereby repealed. Repeal and savings.

Bom. I of  
1904.  
Bom. VI of  
1925.

(2) Notwithstanding such repeal, the provisions of section 7 of the Bombay General Clauses Act, 1904 shall apply in relation to the repeal of the Bombay Betting Tax Act, 1925 as if the Act had been an enactment within the meaning of the said section 7.

**STATEMENT OF OBJECTS AND REASONS**

The Gujarat State Law Commission has, in its Fourth Report, recommended repeal of the Bombay Betting Tax Act, 1925 on the ground that betting is totally prohibited in the State of Gujarat and, therefore, no tax is levied on betting. In the circumstances, it is felt that this Act is not required to be administered and, therefore, it is required to be removed from the Statute Book.

In pursuance of the aforesaid recommendation of the Gujarat State Law Commission, it is considered necessary to repeal this obsolete Act.

This Bill seeks to achieve the aforesaid object.

Gandhinagar,

Dated the 17<sup>th</sup> February, 2004.

**VAJUBHAI VALA.**

By order and in the name of the Governor of Gujarat,

Gandhinagar:

Dated the 17th February, 2004.

**S. S. PARMAR,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary affairs Department.

Government Central Press, Gandhinagar.



सत्यमेव जयते

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The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

**THE GUJARAT SPECIAL ECONOMIC ZONE BILL, 2004.**

**GUJARAT BILL NO. 3 OF 2004.**

## A B I L L

*to provide for the operation, maintenance, management and  
administration of a Special Economic Zone in the State of  
Gujarat and to constitute an Authority and for matters  
connected therewith or incidental thereto.*

It is hereby enacted in the Fifty-fifth Year of the Republic of India  
as follows :-

## CHAPTER I PRELIMINARY

1. (1) This Act may be called the Gujarat Special Economic Zone Act, 2004. Short title,  
extent and  
commence-  
ment.
- (2) It extends to the whole of the State of Gujarat.
- (3) This section shall be deemed to have come into force on the 10<sup>th</sup> February, 2004 and the remaining provisions shall come into force on such date as the State Government may, by notification in *Official Gazette*, appoint.



**Definitions.** 2. In this Act, unless the context otherwise requires, -

- (a) "amenities" means all basic and essential services including roads, water supply, street lighting, power supply, sewerage, drainage, collection, treatment and disposal of industrial and township wastes, public health, education, transport, fire fighting services, public parks, clubs, markets, shops and outlets and such other facilities or services as the State Government may, by notification in the *Official Gazette*, specify;
- (b) "Authority" means the Special Economic Zone Development Authority constituted under section 4;
- (c) "Co-developer" means a person who has entered into an agreement with the Developer to develop, design, build, organise, promote, operate and maintain or manage a part or whole of the infrastructure facilities and amenities in the Zone;
- (d) "Developer" means a person or body of persons, company, firm or such other private or Government undertakings, who develops, builds, designs, organises, promotes, operates or maintains or manages a part or whole of the infrastructure facilities and amenities of the Zone and appointed as such by the Government of India;
- (e) "Development Commissioner" means an officer appointed by the Government of India for the Zone to perform the functions of the Development Commissioner under this Act;
- (f) "Development Committee" means the Special Economic Zone Development Committee constituted under section 12;
- (g) "Domestic Tariff Area" means an area within India outside the Zone area;
- (h) "infrastructure facilities" means industrial, commercial or any other facility for development and operation of the Zone and includes any other facilities and amenities as may be notified by the State Government;
- (i) "operator" means a person engaged by the Developer for providing infrastructure facilities, amenities and services in the Zone;
- (j) "prescribed" means prescribed by rules;

- (k) "processing area" means the area within the Zone approved by the Customs Authorities;
- (l) "regulations" means the regulations made under this Act;
- (m) "rules" means the rules made under this Act;
- (n) "Special Economic Zone" or "Zone" means the area declared by the Government of India as the Special Economic Zone;
- (o) "Unit" means a unit or enterprise in whole or part which is carrying on its business in the Zone and approved as such by the Unit Approval Committee;
- (p) "Unit Approval Committee" means the committee constituted under section 8.

## CHAPTER II

### ESTABLISHMENT OF SPECIAL ECONOMIC ZONE

3. (1) Any person desirous of establishing the Special Economic Zone shall make an application in such form containing such particulars and documents and accompanied by such fees as may be prescribed, to the State Government. Establishment of Zone and appointment of Developer.
- (2) The State Government shall scrutinize the application received under sub-section (1) and recommend the same, with modification, if any, to the Government of India for its approval and declaration of the area to be the Special Economic Zone and appointment of the Developer for such Zone.

## CHAPTER III

### SPECIAL ECONOMIC ZONE DEVELOPMENT AUTHORITY

4. (1) There shall be an Authority to be called the Special Economic Zone Development Authority for the purposes of this Act. Constitution of Special Economic Zone Development Authority.
- (2) The Authority shall be a body corporate with perpetual succession and common seal and may sue or be sued in its corporate name.
- (3) (a) The Authority shall consist of the Chairperson and other members as follows, namely :-
- (i) the Chief Secretary to the Government of Gujarat, *ex-officio* who shall be the Chairperson;



- (ii) the Secretary to the Government of Gujarat, Industries and Mines Department, *ex-officio*;
- (iii) the Secretary to the Government of Gujarat, Energy and Petrochemicals Department, *ex-officio*;
- (iv) the Secretary to the Government of Gujarat, Finance Department, *ex-officio*;
- (v) the Secretary to the Government of Gujarat, Narmada, Water Resources, Water Supply and Kalpsar Department, *ex-officio*;
- (vi) the Secretary to the Government of Gujarat, Forest and Environment Department, *ex-officio*;
- (vii) the Secretary to the Government of Gujarat, Labour and Employment Department, *ex-officio*;
- (viii) the Secretary to the Government of Gujarat, Urban Development and Urban Housing Department, *ex-officio*;
- (ix) the Secretary to the Government of Gujarat, Revenue Department, *ex-officio*;
- (x) the Industries Commissioner, Gujarat State, *ex-officio*;
- (xi) the Development Commissioner, Special Economic Zone, *ex-officio*;
- (xii) Member-Secretary of the Authority.

(b) The Authority may co-opt such other members, as it may consider necessary for efficient discharge of its functions.

(c) The Authority may invite, whenever necessary, the developer or his representative in a meeting of the Authority.

*Explanation.-* For the purpose of sub-section (3), the term "Secretary" includes the Principal Secretary or Additional Chief Secretary of the Department.

Headquarters  
and meeting of  
Authority.

5. (1) The headquarters of the Authority shall be at Gandhinagar or at such other place as the State Government may, by notification in the *Official Gazette*, specify;

(2) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transactions of its business at its meetings as may be provided by the regulations;

(3) No act or proceedings of the Authority shall be invalid by reason of the existence of any vacancy thereto or defect in the constitution thereof.

6. (1) The functions of the Authority shall be to secure planned development of the Special Economic Zone in the State and it shall be primarily responsible for the promotion, development and functioning of the Zones in the State. **Functions and powers of Authority.**

(2) For the purpose of development of the Zone, the Authority shall have following powers and perform the following functions, namely :-

(a) to recommend the name of Developer to the State Government in the manner as may be prescribed, for a part or whole of infrastructure facilities and amenities of the Zone, notwithstanding anything contained in the Gujarat Infrastructure Development Act, 1999;

Guj. 11  
of 1999.

(b) to prepare the guidelines for the development of the Zone with regard to land usage, floor space level, environmental provisions, safety measures and such other matters as may be directed by the State Government;

(c) to prepare techno-economic feasibility report or a detailed project report as may be required for the development of the Zone when the Zone is to be established by the State Government or the Corporation owned and controlled by the State Government;

(d) to acquire land in the Zone, by consent agreement or through proceedings under the Land Acquisition Act, 1894 for the purposes of this Act;

1 of 1894.

(e) to approve allocation of the Government land in the Zone in the manner as may be prescribed;

(f) to enter into joint venture arrangement for development of different components or activity of the project of the Zone when the Zone is to be established by the State Government or the Corporation owned and controlled by the State Government;

(g) to co-ordinate with the departments of the State Government and the Central Government and ensure timely implementation of projects and plans of the Zone;



- (h) to perform such other functions as may be assigned by the Government of India for development of the Zone;
  - (i) to perform such other functions as may be assigned by the State Government.
- (3) Without prejudice to the provisions of sub-sections (1) and (2), the Authority shall exercise the following powers and perform following functions, namely :-
- (a) to ensure the compliance of the approved master plan and may approve any modification in the plan if required by the Developer and provide the guiding principles for town planning and urban development standards to be implemented by the Developer;
  - (b) to nominate member in the Special Economic Zone Development Board, Unit Approval Committee, Development Committee and other committees as may be required;
  - (c) to oversee the activities and compliance of functions of Unit Approval Committee and Development Committee of respective Zone and to provide guidance;
  - (d) to constitute such other committees as may be necessary to perform any specific function of the Zone.
- (4) The Authority may, by general or special order, delegate such of its powers and functions, on such conditions as may be specified in the order, to the Development Commissioner or to the Development Committee of the Zone.

**Officers and  
employees of  
Authority.**

7. (1) The Authority may appoint Member-Secretary and such other officers and employees as it considers necessary for the performance of its functions.
- (2) The Member-Secretary, officers and employees appointed under sub-section (1) shall be governed by such terms and conditions of service as may be determined by the regulations.
- (3) The Member-Secretary, officers and employees shall exercise such powers and perform such duties as may assigned to them by the Authority.



#### CHAPTER IV UNIT APPROVAL COMMITTEE

8. (1) In addition to the members of the Unit Approval Committee constituted by the Government of India for the Zone, there shall be following members to the Committee, namely :-

Unit  
Approval  
Committee.

- (i) an officer from the Industries and Mines Department nominated to the office of the Development Commissioner;
- (ii) an officer from the Forests and Environment Department nominated to the office of the Development Commissioner;
- (iii) an officer from the Energy and Petrochemicals Department nominated to the office of the Development Commissioner;
- (iv) an officer from the Labour and Employment Department nominated to the office of the Development Commissioner.

(2) The Chairperson of the Committee may invite an expert or an officer from any department of the State Government as an invitee to represent the Government Departments not represented in the said Committee.

9. (1) In addition to the functions entrusted by the Government of India, the Unit Approval Committee shall grant necessary local and State level clearances, approvals, licences or, as the case may be, registrations under the State Acts for setting up a Unit within the Zone in such manner as may be prescribed by the regulations, namely:-

Functions of  
Unit Approval  
Committee.

- (i) registration of Unit and grant licence for starting, running and operating of the Unit, under any of the State Acts;
- 63 of 1948. (ii) site clearance under the Factories Act, 1948 on behalf of Inspectorate of Factories and Boilers;
- 63 of 1948. (iii) approve the plan for establishment of Factory under the Factories Act, 1948;
- (iv) registration of boilers on behalf of the Chief Inspector of Boilers;
- (v) to resolve disputes of commercial nature between the agencies providing services and the consumers in the manner as may be prescribed by the regulations;

- (vi) to resolve any dispute between the Unit and the Developer regarding infrastructural facilities and amenities and services in the manner as may be prescribed by the regulations and the decision of the Unit Approval Committee thereon shall be final;
- (vii) any other approval or clearance which may be authorised by the State Government by general or special order for the purposes of this Act.

(2) The Unit Approval Committee shall supervise and monitor, clearances, approvals, licences or registrations granted by it and may take appropriate action under the relevant applicable laws for breach of or non-compliance of any terms and conditions of any such clearance, approval, licence or registration.

(3) The Unit Approval Committee may appoint any agency to supervise and monitor the clearances, approvals, licences or registrations granted by it and may call for any information required to supervise and monitor such clearances, approvals, licences or registrations.

Single  
window  
clearance.

10. Notwithstanding anything contained in any other law, the State Government may, -

- (i) prescribe a common application form for approval, clearance, licence, registration and no objection certificate under one or more laws;
- (ii) authorise the Development Commissioner to exercise such of the powers of the State Government or a body subordinate to the Government as may be specified by general or special order;
- (iii) prescribe a single return for reporting under two or more laws;
- (iv) authorise an officer or agency for monitoring the compliance of the laws applicable in the Zone.

#### CHAPTER V SPECIAL ECONOMIC ZONE DEVELOPMENT COMMITTEE

Zone to be  
industrial  
township.

11. (1) Every Zone, having regard to the municipal services proposed to be provided in the area of the Zone and such other factors, shall be deemed to be an industrial township area under the proviso to clause (1) of article 243Q of the Constitution of India.

(2) Notwithstanding anything contained in any other law for the time being in force, the area of Zone shall cease to be under the jurisdiction of any municipal corporation, municipal council, nagar panchayat or gram panchayat or the notified area constituted under the State laws.

12. (1) There shall be a Special Economic Zone Development Committee consist of the following members, namely:-

Special  
Economic  
Zone  
Develop-  
ment  
Committee.

- (i) Developer or his nominee;
- (ii) Development Commissioner of the Zone or his nominee;
- (iii) Nominee of the State Government.

(2) The Developer or his nominee shall be the Chairperson of the Development Committee.

(3) The Development Committee may invite representatives of Units, residents, service providers and other interested persons in the meeting of the Committee.

(4) The Development Committee shall meet at such place and observe such rules of procedure for transaction of its business at the meeting as it may deem fit.

13. The Development Committee shall perform the following functions in the manner as may be prescribed by the regulations, namely :-

Functions of  
Develop-  
ment  
Committee.

- (1) (a) Prepare a plan for the development of the Zone in conformity with the guidelines prepared by the Authority and to demarcate and develop sites for industrial, commercial, residential and for other purposes according to the plan;
- (b) provide infrastructure facilities and amenities;
- (c) allocate and transfer, either by way of sale or lease or otherwise, plots of land for industrial, commercial, residential or other purposes;
- (d) regulate the construction of buildings.
- (2) Erection of substantial boundary marks defining the limits of or any alteration in limits of the Zone.
- (3) Ensuring that the Units and the residents have access to the following basic and essential infrastructure facilities and amenities, namely :-



- (i) public streets, bridges, sub-ways, culverts, causeways and the like;
  - (ii) public transportation facilities;
  - (iii) power supply;
  - (iv) water supply;
  - (v) adequate drains, drainage facilities and public latrines, water-closets, urinals and similar conveniences;
  - (vi) collection and treatment of sewerage;
  - (vii) collection, treatment and disposal of industrial and township solid waste;
  - (viii) lighting of public streets, municipal markets and other public buildings;
  - (ix) maintenance of public monuments, open spaces and other public property.
- (4) Ensuring that the Units and the residents have access to the following social infrastructure facilities and services in accordance with the growth of the Zone and requirements of the Units and the residents, namely :-
- (i) public hospitals and dispensaries;
  - (ii) ambulance service;
  - (iii) places for the disposal of the dead and disposing of unclaimed dead bodies;
  - (iv) public markets, slaughter houses;
  - (v) schools for primary, secondary and higher education;
  - (vi) maternity and infant welfare houses and centres;
  - (vii) public parks, gardens, playgrounds and recreational facilities;
  - (viii) police stations;
  - (ix) maintaining a fire-brigade equipped with suitable appliances for the extinction of fires and the protection of life and property against fire;

(x) any other social services.

(5) Reclamation of unhealthy localities, the removal of noxious vegetation and the abatement of all nuisances.

Bom. V of  
1954.  
18 of 1969.

(6) Registration of marriages and births and deaths under the provisions of the Bombay Registration of Marriages Act, 1953 and the Registration of Birth and Deaths Act, 1969.

Bom. I of  
1892.

(7) Conducting public vaccinations in accordance with the provisions of the Bombay District Vaccination Act, 1892.

(8) Prevention and checking the spread of dangerous diseases.

(9) Removal of unauthorised construction and encroachments.

(10) Removal of obstructions and projections in or upon streets, bridges and other public places.

(11) Naming or numbering of streets and of public places and the numbering of premises.

(12) Determine the charges for infrastructural facilities, amenities and services provided by the Developer.

(13) Monitoring town planning standards set by the Development Authority.

(14) Such other functions as may be assigned by the Authority.

## CHAPTER VI INFRASTRUCTURE FACILITIES

14. (1) It shall be the responsibility of the Developer of the Zone to develop, construct, install, operate, manage and maintain any or all of the following infrastructure facilities, amenities and services for the purposes of providing services in the Zone, namely :-

**Infrastructure  
facilities and  
services.**

- (i) generation and supply of electricity;
- (ii) water extraction, treatment, transmission and distribution;
- (iii) waste water treatment and solid waste management;
- (iv) provision of minor port and related services;
- (v) provision of roads and bridges;
- (vi) provision for gas distribution network;
- (vii) provision for communication and data network transmission; and



(viii) any other services as may be prescribed by the regulations.

(2) Subject to the regulations, the Developer may levy user charges or fees as may be approved by the Development Committee for providing infrastructural facilities, amenities and services referred to in sub-section (1) in such manner as may be prescribed by the regulations.

(3) For the provision of the products or services of infrastructure under this Act, the relevant Acts, guidelines, rules and regulations prevalent in India shall be applicable for quality of the product or service and safety requirements.

Supply of  
electricity  
and  
exemption  
from duty.

15. (1) Any person generating electricity in the Zone, may supply electricity to the Gujarat Electricity Board after obtaining the approval from the State Government and upon the terms and conditions agreed to by the supplier and the Board.

(2) The Unit located in the processing area of the Zone shall be exempted from the electricity duty under the Bombay Electricity Duty Act, 1958, for a period of ten years from the date of production in the case of manufacturing Unit and from the date of supply of services in case of service Unit.

Bom. 40  
of 1958.

Water,  
road, gas  
and other  
facilities.

16. (1) The Developer or his agent may set up systems and facilities for extraction, treatment, transmission and distribution of water within the Zone in conformity with applicable service standards.

(2) The Developer or his agent may set up systems and facilities for waste water and solid waste management and treatment in the Zone in conformity with applicable service standards.

(3) The Developer or his agent may develop, operate and maintain the road network, bridges, transportation services and any transportation system within the Zone and to levy toll or fee as may be approved by the Development Committee for providing such facility, in such manner as may be prescribed by the regulations.

(4) (a) Subject to the policy laid down by the Government regarding ports, the Developer or his agent may develop, operate and maintain a minor port within the Zone, for landing of goods for use in the Zone and for the shipping of goods from the Zone.

(b) The Developer or his agent shall manage for landing of other cargoes (not meant for the Zone) as per the terms and conditions prescribed by regulations by the Gujarat Maritime Board.

(c) The Developer or his agent may fix and collect tariff from the vessels entering in the minor port within the Zone and on the goods landed and shipped at the port in accordance with the directions of the Gujarat Maritime Board.

(5) The Developer or his agent may set up gas distribution system in the Zone.

## CHAPTER VII LABOUR

17. (1) Notwithstanding anything contained in the Acts specified in Schedule I, the powers, duties and functions conferred on Commissioner of Labour or any officer under those Acts shall be exercised by the Development Commissioner or any officer authorised by him in this behalf.
- (2) The State Government may, as and when considered necessary, by notification in the *Official Gazette*, amend Schedule I and thereupon Schedule I shall be deemed to have been amended accordingly :

Delegation of  
powers of  
Labour  
Commi-  
ssioner to  
Development  
Commissioner.

Provided that when Schedule I is to be amended by adding an Act made by the Parliament, such amendment shall be made with the prior approval of the Government of India.

18. Each of the Acts specified in the second column of the Schedule II shall be amended in the manner and to the extent specified against it in the third column thereof.

Amendment  
of certain  
Acts.

19. The units in the Zone shall furnish the consolidated annual report in the prescribed form to the Development Commissioner instead of periodical returns under the following Acts, namely :-

Consolidated  
return under  
various laws.

- |        |   |             |
|--------|---|-------------|
| (i)    | The Workmen's Compensation Act, 1923;   | 8 of 1923.  |
| (ii)   | The Payment of Wages Act, 1936;   | 4 of 1936.  |
| (iii)  | The Factories Act, 1948;  | 63 of 1948. |
| (iv)   | The Minimum Wages Act, 1948;  | 11 of 1948. |
| (v)    | The Maternity Benefit Act, 1961;  | 53 of 1961. |
| (vi)   | The Payment of Bonus Act, 1965;   | 21 of 1965. |
| (vii)  | The Contract Labour (Regulation and Abolition) Act, 1970; and   | 37 of 1970. |
| (viii) | such other Acts as the State Government may, by notification in the <i>Official Gazette</i> , specify : |             |

Provided that when any other Act made by the Parliament is to be specified by the State Government, it shall be specified with prior approval of the Government of India.



Application  
of Chapter  
V-D of XIV  
of 1947 to  
Zone.

20. The provisions of Chapter V-D of the Industrial Disputes Act, 1947 shall apply to the industrial establishments set up in the Zone. **XIV of 1947.**

### CHAPTER VIII FISCAL BENEFITS

State taxes  
and levies.

21. (1) All sales and transactions within the processing area of the Zone shall be exempt from all taxes, cess, duties, fees or any other levies under any State law to the extent specified below :

- (a) Stamp duty and registration fees payable on transfer of land meant for approved Units in the Zone.
- (b) Levy of Stamp duty and registration fees on loan agreements, credit deeds and mortgages executed by the Unit, industry or establishment set up in the processing area of the Zone.
- (c) Sales Tax, Purchase Tax, Motor Spirit Tax, Luxury Tax, Entertainment Tax and other taxes and cess payable on sales and transactions.

- (2) Inputs (goods and services) made to Zone Units from Domestic Tariff Area shall be exempted from sales tax and other taxes under the State laws.

- (3) The Developer shall also be entitled to the benefits of exemption provided in sub-sections (1) and (2) for the entire Zone.

### CHAPTER IX MISCELLANEOUS

Overriding  
effect of  
Act.

22. The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

Protection  
of action  
taken in  
good faith.

23. No suit, prosecution or other legal proceeding shall lie against any person for anything which is done in good faith or intended to be done under this Act or any rules or regulations made thereunder.

Members  
and  
employees  
to be  
public  
servants.

24. Every member of the Authority, the Development Commissioner and every officer and employee of the Authority shall, when acting or purporting to act in pursuance of the provisions of this Act, or of any rule or regulation made thereunder, be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.



- 25.** (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act. **Power of State Government to make rules.**
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may be made to provide for all or any of the matters expressly required or allowed by this Act to be prescribed by rules.
- (3) All rules made under this section, shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to the rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.
- (4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

- 26.** The Authority may, with the previous approval of the State Government, by notification in the *Official Gazette*, make regulations not inconsistent with this Act and the rules made thereunder, for enabling it to perform its functions under this Act. **Power of Authority to make regulations.**

- 27.** (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty : **Power to remove difficulties.**

Provided that no such order shall be made after the expiry of three years from the commencement of this Act.

- (2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before the State Legislature.

- 28.** (1) The Gujarat Special Economic Zone Ordinance, 2004, is hereby repealed. **Repeal and savings.**

- (2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

**SCHEDULE I**  
( See section 17 )

Sr. No. 1	Short title 2	
1.	The Payment of Wages Act, 1936.	4 of 1936.
2.	The Industrial Employment (Standing Orders) Act, 1946.	20 of 1946.
3.	The Bombay Industrial Relations Act, 1946.	Bom. 11 of 1947.
4.	The Factories Act, 1948.	63 of 1948.
5.	The Minimum Wages Act, 1948.	11 of 1948.
6.	The Industrial Disputes Act, 1947.	14 of 1947.
7.	The Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955.	45 of 1955.
8.	The Maternity Benefit Act, 1961.	53 of 1961.
9.	The Payment of Bonus Act, 1965.	21 of 1965.
10.	The Beedi and Cigar Workers (Conditions of Employment) Act, 1966.	32 of 1966.
11.	The Contract Labour (Regulation and Abolition) Act, 1970.	37 of 1970.
12.	The Payment of Gratuity Act, 1972.	39 of 1972.
13.	The Equal Remuneration Act, 1976.	25 of 1976.
14.	The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.	30 of 1979.
15.	The Child Labour (Prohibition and Regulation) Act, 1986.	61 of 1986.
16.	The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.	1 of 1996.

**SCHEDULE II**  
( See section 18 )

Sr. No.	Name of Enactments	Extent of amendment
1	2	3
1.	The Bombay Industrial Relations Act, 1946 (Bom. 11 of 1947).	In section 2, after sub-section (4), the following sub-section shall be added, namely :-  "(5). The provisions of this Act shall not apply to the industry, unit or establishment set up in the Special Economic Zone declared as such by the Government of India."
2.	The Factories Act, 1948 ( 63 of 1948 ).	In section 66, in sub-section (1), after the proviso, the following proviso shall be added, namely :-  "Provided further that the State Government may, by notification in the <i>Official Gazette</i> , vary time limit laid down in clause (b) in respect of any factory situate in the Special Economic Zone declared as such by the Government of India, subject to the following conditions, namely:-  (a) The employer shall provide for free transport facilities to and fro from the residence to the place of work for women employees.  (b) The employer shall ensure security for women employees at place of work and during transportation.  (c) The employer shall provide facility for separate Crèches and rest rooms for women employees."



3. The Industrial Disputes Act, 1947 (14 of 1947). In section 2, in clause (n), after sub-clause (v), the following clause shall be inserted, namely :-  
  
"(va) Any service in the industry or establishment set up in the Special Economic Zone declared as such by the Government of India."
4. The Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970). In section 2, in clause (e), in sub-clause (ii), after the words "carried on" the following words shall be inserted, namely :-  
"other than the place or area of the Special Economic Zone declared as such by the Government of India."
5. The Trade Unions Act, 1926 (16 of 1926). In section 22, after the first proviso, the following proviso shall be added, namely :-  
  
"Provided further that all the office bearers of the registered trade unions of the industrial establishments situated in the Special Economic Zone declared as such by the Government of India shall be persons actually engaged or employed in an industry with which trade union is connected."

### STATEMENT OF OBJECTS AND REASONS

The Government of India has announced EXIM Policy relating to Special Economic Zone with a view to augmenting infrastructural facilities for export production. The Central Government has also offered various incentives and facilities to the Developer of the Zone as well as to the industrial units to be set up in the Zone. The concept of Special Economic Zone is to bring large dividends to the State in terms of economic and industrial development and the generation of new employment opportunities. The State Government has already declared its policy regarding the establishment of such Zones in the State. In order to achieve rapid economic growth to attract investment and to ensure systematic and integrated development of the industry in the State, it was considered necessary to enact a law for the establishment of the Special Economic Zones in the State.

With a view to securing planned development of the Special Economic Zone in the State, the development authority consisting of high ranking officers has been constituted. It is the responsibility of the Developer of a Zone to develop, construct, install, operate, manage and maintain all the infrastructural facilities, amenities and services in the Zone.

In order to streamline the system and speedy clearance, the management of the Zone has been entrusted to the Development Commissioner. All the powers, duties and functions conferred on the Commissioner of Labour under various labour laws have been given to the Development Commissioner of the Zone. The single window system has been adopted for the Zone by way of providing a common application form for approval, clearance, licence, registration and no objection certificate under the various laws and to submit single return for two or more laws.

The Developer of the Zone has to provide facilities of water, road, bridges, gas distribution network, etc. and the area of the Zone would be an industrial township.

With a view to attracting the Industrialists and entrepreneur to establish industrial units in the Zone, the State Government has proposed to grant the various fiscal benefits. The unit which intends to set up captive power plant in the Zone has been exempted from payment of electricity duty for a period of ten years. The stamp duty and registration fee payable on transfer of land in the Zone has been exempted and there would be no registration fee or stamp duty leviable on loan agreement, credit deeds, mortgages executed by the unit in the processing area of Zone. The sales tax, purchase tax, motor spirit tax, luxury tax, entertainment tax and other taxes and cess payable on sales and transactions have also been exempted. The inputs made to Units from Domestic Tariff Area have also been

exempted from sales tax and other taxes under the State laws. In applying flexible labour policy in the Zone, certain labour laws enactments have been amended.

As the Gujarat Legislative Assembly was not in session, the Gujarat Special Economic Zone Ordinance, 2004 was promulgated to achieve the aforesaid object.

The Bill seeks to replace the said Ordinance by an Act of the State Legislature.

The following notes on clauses explain the important provisions of the Bill.

*Clause 2.-* This clause defines important terms used in the Bill.

*Clause 3.-* This clause provides for the establishment of Zone and appointment of developer for the same.

*Clause 4 and 6.-* These clauses provide for the constitution of the Special Economic Zone Development Authority and functions thereof.

*Clause 8.-* This clause provides for the constitution of Unit Approval Committee.

*Clause 9.-* This clause provides for the functions of the Unit Approval Committee.

*Clause 10.-* This clause enables the State Government to prescribe a common application form for approval, clearance, license, registration etc. and also to prescribe single return for reporting under two or more laws and authorize the Development Commissioner to exercise such powers of the State as may be specified.

*Clause 11.-* This clause provides that the area of the Zone shall be deemed to be an industrial township under article 243Q of the Constitution of India.

*Clauses 12 and 13.-* These clauses provide for the constitution of Special Economic Zone Development Committee and functions thereof.

*Clause 14.-* This clause provides that it shall be the responsibility of the Developer to develop, construct, install, operate and maintain infrastructure facilities, amenities and services mentioned therein.



*Clause 15.-* This clause provides that the Unit located in the processing area of the Zone shall be exempted from the electricity duty for a period of ten years.

*Clause 16.-* This clause enables the developer to set up systems and facilities for extraction, treatment, transmission and distribution of water. It also enables the Developer to develop road network, bridges, transport services within the Zone and to levy toll. It is also provided that the Developer may set up gas distribution system in the Zone.

*Clause 17.-* This clause empowers the Development Commissioner to exercise the powers, duties and functions conferred on Commissioner of Labour under the Acts specified in Schedule I.

*Clause 18.-* This clause amends certain Acts specified in the second column of Schedule II in the manner and to the extent specified against it in the third column thereof.

*Clause 19.-* This clause provides that the Unit in the Zone shall furnish consolidated annual report to the Development Commissioner instead of periodical reports under the various Acts specified in this clause.

*Clause 20.-* This clause provides that the provisions of newly inserted Chapter V-D of the Industrial Disputes Act, 1949 shall be applicable to the industrial establishments set up in the Zone.

*Clause 21.-* All the sales and transactions within the processing area of the Zone are exempted by this clause from all taxes, cess, duties, fees or other levies under any State laws to the extent specified therein.

*Clause 25.-* This clause empowers the State Government to make rules for carrying out the purposes of the Act.

*Clause 26.-* This clause empowers the Authority, with the previous approval of the State Government, to make regulations to enable it to perform its functions under the Act.

*Clause 27.-* This clause empowers the State Government to remove any difficulty arises in giving effect to the provisions of the Act by publishing order in the *Official Gazette*.

ANIL PATEL

**FINANCIAL MEMORANDUM**

Clause 7 of the Bill empowers the Special Economic Zone Development Authority to appoint Member-Secretary and such other officers and employees as it considers necessary for the performance of its functions under the Act. Since the existing staff of various departments of the State Government will perform the functions of the said Authority, there would not be any financial liability on State ex-chequer. Therefore, the Bill, if enacted and brought into force, would not involve any additional expenditure from the consolidated fund of the State.

**ANIL PATEL**



**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves delegation of legislative powers in the following respects :-

*Clause 1.-* Sub-clause (3) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the remaining provisions of the Act shall come into force.

*Clause 2.-* (i) Para (a) of this clause empowers the State Government to specify, by notification in the *Official Gazette*, such other facilities or services as amenities;

(ii) para (h) of this clause empowers the State Government to notify any other facilities and amenities as infrastructure facilities.

*Clause 3.-* This clause empowers the State Government to prescribe by rules the form of an application containing such particulars and documents accompanied by such fees, for establishing the Special Economic Zone by any person.

*Clause 5.-* (i) Sub-clause (1) of this clause empowers the State Government to specify, by notification in the *Official Gazette*, such other place as the headquarters of the Authority;

(ii) sub-clause (2) of this clause empowers the Authority to prescribe by regulations the time and place at which the authority shall meet and the rules of procedure in regard to the transaction of its business at its meeting to be observed by the Authority.

*Clause 6.-* (i) Para (e) of sub-clause (2) of this clause empowers the State Government to prescribe by rules the manner in which the Authority may approve the allocation of the Government land in the Zone;

(ii) sub-clause (4) of this clause empowers the Authority to delegate, by general or special order, such of its powers and functions on such conditions, as may be specified in the order, to the Development Commissioner or to the Development Committee.

*Clause 7.-* Sub-clause (2) of this clause empowers the Authority to determine by regulations, the terms and conditions of service of the Member-Secretary, officers and other employees of the Authority.

*Clause 9.-* (i) Sub-clause (1) of this clause empowers the Authority to prescribe by regulations, the manner in which the Unit Approval Committee shall grant necessary local and State level clearances, approvals, licences or registrations under the State Acts for setting up a Unit within the Zone;

(ii) paras (v) and (vi) of sub-clause (1) of this clause empowers the Authority to prescribe by regulations, the manner in which the Unit Approval Committee may resolve disputes of commercial nature between the agencies providing services and the consumers and also between the Unit and the Developer regarding infrastructural facilities and amenities and services.

*Clause 10.-* (i) Para (i) of this clause empowers the State Government to prescribe by rules, a common application form for approval, clearance, licence, registration and no objection certificate under one or more laws;

(ii) para (ii) of this clause empowers the State Government to authorise the Development Commissioner, by general or special order, to exercise such of the powers of the State Government or a body subordinate to the Government.

(iii) para (iii) of this clause empowers the State Government to prescribe by rules, a single return for reporting under two or more laws.

*Clause 13.-* This clause empowers the Authority to prescribe by regulations the manner in which the Development Committee shall perform its functions specified under this clause.

*Clause 14.-* (i) Para (viii) of sub-clause (1) of this clause empowers the Authority to prescribe by regulations, the other services for which the Developer shall be responsible to provide in the Zone;

(ii) sub-clause (2) of this clause empowers the Authority to prescribe, by regulations, the manner in which the Developer may levy user charges or fees for providing infrastructural facilities, amenities and services in the Zone.

*Clause 16.-* (i) Sub-clause (3) of this clause empowers the Authority to prescribe by regulations, the manner in which the Developer or his agent may levy toll or fees as may be approved by the Development Committee for providing facilities under this clause;



(ii). para (b) of sub-clause (4) of this clause empowers the Gujarat Maritime Board to prescribe by regulations, the terms and conditions subject to which the Developer or his agent shall manage for landing of other cargoes not meant for the Zone.

*Clause 17.-* Sub-clause (2) of this clause empowers the State Government, by notification in the *Official Gazette*, to amend Schedule I so as to authorise the Development Commissioner to exercise the powers, duties and functions conferred on Commissioner of Labour or any officer under those Acts.

*Clause 19.-* This clause empowers the State Government to prescribe by rules, the form in which the Units in the Zone shall furnish the consolidated annual report to the Development Commissioner instead of periodical returns under the Acts specified in this clause.

*Clause 25.-* This clause empowers the State Government to make, by notification in the *Official Gazette*, rules for carrying out the purposes of the Act.

*Clause 26.-* This clause empowers the Authority to make regulations, by notification in the *Official Gazette*, for enabling it to perform its functions under the Act.

*Clause 27.-* This clause empowers the State Government to remove difficulty arising within three years from the commencement of the Act.

*Sr. No. 2 of Schedule II.-* The proviso proposed to be added after the existing proviso to sub-section (1) of section 66 of the Factories Act, 1948 empowers the State Government, by notification in the *Official Gazette*, to vary time limit laid down in clause (b) of that sub-section, in respect of any factory situate in the Zone subject to the conditions mentioned therein.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Gandhinagar,  
Dated the 17<sup>th</sup> February, 2004.

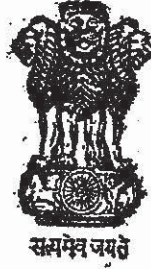
ANIL PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar:  
Dated the 17th February, 2004.

S. S. PARMAR,  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary affairs Department.

V-EX.-2-7



# The Gujarat Government Gazette EXTRAORDINARY

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Separate paging is given to this Part in order that it  
may be filed as a Separate Compilation.

## PART - V

**Bills introduced in the Gujarat Legislative Assembly.**

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

### THE INDUSTRIAL DISPUTES (GUJARAT AMENDMENT) BILL, 2004.

GUJARAT BILL NO. 4 OF 2004.

## A B I L L

*further to amend the Industrial Disputes Act, 1947  
in its application to the State of Gujarat.*

It is hereby enacted in the Fifty-fifth Year of the Republic of India  
as follows :-

1. (1) This Act may be called the Industrial Disputes (Gujarat Amendment) Act, 2004.
- (2) It shall be deemed to have come into force on the 10<sup>th</sup> February, 2004.

Short title  
and  
commence-  
ment.



Amendment  
of section 2  
of XIV of  
1947.

2. In the Industrial Disputes Act, 1947 in its application to the State of Gujarat (hereinafter referred to as "the principal Act"), in section 2, -

XIV  
of  
1947.

(1) in clause (k), the words and letters "but does not include the termination of the service of a workman in accordance with the provisions of Chapter V-D" shall be added at the end;

(2) in clause (oo), -

(i) in sub-clause (c), the word "or" shall be added at the end;

(ii) after sub-clause (c), the following sub-clause shall be added, namely :-

"(d) termination of the service of a workman in an industrial establishment situate in the Special Economic Zone declared as such by the Government of India;"

(3) after clause (q), the following clause shall be inserted, namely :-

"(qa) "termination" means discontinuation by the employer of the service of a workman in an industrial establishment situate in the Special Economic Zone declared as such by the Government of India for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include -

- (a) voluntary retirement of the workman; or
- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or
- (c) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or
- (d) termination of the service of a workman on the ground of continued ill-health;"

Insertion of  
new Chapter  
V-D in XIV  
of 1947.

3. In the principal Act, after Chapter V-C, the following Chapter shall be inserted, namely :-

**"CHAPTER V-D**

**25V.** (1) The provisions of Chapters V-A and V-B shall not apply to an industrial establishment to which Chapter V-D applies.

Special  
provisions for  
Special  
Economic  
Zone.

(2) The provisions of this Chapter shall apply to an industrial establishment set up in the Special Economic Zone declared as such by the Government of India.

**25W.** For the purposes of this Chapter, -

Definitions of  
continuous  
service.

- (1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike, which is not illegal, or a lock out or a cessation of work which is not due to any fault on the part of the workman;
- (2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer -
  - (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than -
    - (i) one hundred and ninety days in the case of a workman employed below ground in a mine; and
    - (ii) two hundred and forty days, in any other case;
  - (b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than -
    - (i) ninety-five days, in case of a workman employed below ground in a mine; and
    - (ii) one hundred and twenty days, in any other case.



*Explanation.*- For the purposes of clause (2), the number of days on which a workman has actually worked under an employer shall include the days on which -

- (i) he has been laid off under an agreement or as permitted by standing orders made under the Industrial Employment (Standing Orders) Act, 1946 or under this Act or under any other law applicable to the industrial establishment; 20 of 1946.
- (ii) he has been on leave with full wages, earned in the previous year;
- (iii) he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment; and
- (iv) in the case of a female, she has been on maternity leave; so however, that the total period of such maternity leave does not exceed twelve weeks.

Right of  
workmen laid  
off for  
compensation.

25X. Whenever a workman (other than a *badli* workman or a casual workman) whose name is borne on the muster rolls of an industrial establishment and who has completed not less than one year of continuous service under an employer is laid off, whether continuously or intermittently, he shall be paid by the employer for all days during which he is so laid off, except for such weekly holidays as may intervene, compensation which shall be equal to fifty per cent. of the total of the basic wages and dearness allowance that would have been payable to him had he not been so laid off:

Provided that if during any period of twelve months, a workman is so laid off for more than forty-five days, no such compensation shall be payable in respect of any period of the lay off after the expiry of the first forty-five days :

Provided further that it shall be lawful for the employer in any case falling within the foregoing proviso to terminate the workman in accordance with the provisions contained in section 25ZA at any time after the expiry of the first forty-five days of the lay-off and when he does so, any compensation paid to the workman for having been laid off during the preceding twelve months may be set off against the compensation payable for termination.

*Explanation.*- "*Badli* workman" means a workman who is employed in an industrial establishment in the place of another workman whose name is borne on the muster rolls of the establishment, but shall cease to be

regarded as such for the purposes of this section, if he has completed one year of continuous service in the establishment.

**25Y.** Notwithstanding that workmen in any industrial establishment have been laid off, it shall be the duty of every employer to maintain for the purposes of this Chapter a muster roll, and to provide for the making of entries therein by workmen who may present themselves for work at the establishment at the appointed time during normal working hours.

**Duty of employer to maintain muster rolls of workmen.**

**25Z.** No compensation shall be paid to a workman who has been laid off –

**Workman not entitled to compensation in certain cases.**

- (i) if he refuses to accept any alternative employment in the same establishment from which he has been laid off, or in any other establishment belonging to the same employer situate in the same town or village or situate within a radius of five miles from the establishment to which he belongs, if, in the opinion of the employer, such alternative employment does not call for any special skill or previous experience and can be done by the workman, provided that the wages which would normally have been paid to the workman are offered for the alternative employment also;
- (ii) if he does not present himself for work at the establishment at the appointed time during normal working hours at least once a day;
- (iii) if such laying off is due to strike or slowing down of production on the part of workmen in another part of the establishment.

**25ZA. (1)** No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be terminated (otherwise than as a punishment inflicted by way of disciplinary action) by that employer until –

**Conditions for termination of workman.**

- (a) the workman has been given one month's notice in writing and the period of notice has expired, or the workman has been offered in lieu of such notice, wages for the period of the notice;
- (b) the workman has been paid compensation equivalent to forty-five days salary for every completed year of continuous service in such manner as may be prescribed.



(2) Where the workman has been insured through insurance policy by the employer for the social security to receive the compensation in the case of termination, equivalent to forty-five days salary for every completed year of continuous service, the employer, instead of making payment of compensation under clause (b) of sub-section (1), shall forward all the necessary documents of such workman to the Insurance Company within fifteen days after termination.

Compensation to workman in case of transfer of undertaking.

**25ZB.** Where the ownership or management of an undertaking is transferred, whether by agreement or by operation of law, from the employer in relation to that undertaking to a new employer, every workman who has been in continuous service for not less than one year in that undertaking immediately before such transfer shall be entitled to notice and compensation in accordance with the provisions of section 25ZA, as if the workman had been terminated:

Provided that nothing in this section shall apply to a workman in any case where there has been a change of employers by reason of the transfer, if-

- (a) the service of the workman has not been interrupted by such transfer;
- (b) the terms and conditions of service applicable to the workman after such transfer are not in any way less favourable to the workman than those applicable to him immediately before the transfer; and
- (c) the new employer is, under the terms of such transfer or otherwise, legally liable to pay to the workman, in the event of his termination, compensation on the basis that his service has been continuous and has not been interrupted by the transfer.

Sixty days notice to be given of intention to close down any undertaking.

**25ZC.** An employer who intends to close down an undertaking, shall serve at least sixty days before the date on which the intended closure is to become effective, a notice, in the manner as may be prescribed, on the State Government stating clearly the reasons for the intended closure of the undertaking.

Compensation to workman in case of closing down of undertaking.

**25ZD.** Where an undertaking is closed down for any reason whatsoever, every workman who has been in continuous service for not less than one year in that undertaking immediately before such closure shall be entitled to compensation in accordance with the provisions of section 25ZA, as if the workman had been terminated."

Guj. Ord. 2  
of 2004.

4. (1) The Industrial Disputes (Gujarat Amendment) Ordinance, 2004, is hereby repealed. **Repeal and savings.**

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

**STATEMENT OF OBJECTS AND REASONS**

The impact of liberalisation and globalisation on the industrial development has its positive features. The technology newly introduced has led to qualitative improvement in the products and there by the exporters have been able to attract new markets. In order to facilitate the industries in the Special Economic Zone so as to ensure the qualitative products, it is necessary to have flexible labour policy in the manner that it becomes conducive for industrial development. It was, therefore, considered necessary to amend the Industrial Disputes Act, 1947. New Chapter V-D has been inserted in the Act besides defining the term "termination". The provisions of Chapter V-D would apply to the industrial establishments set up in the Special Economic Zone and the provisions of Chapter V-A and V-B of the Act would not apply to such industrial establishments. New sections 25W to 25ZD provide for definition of continuous service of a workman, right of workman to get compensation in case of laid off, transfer of undertaking and in case of closing down of the undertaking. It has been provided that where services of a workman is to be terminated, one month's notice would require to be given and the compensation equivalent to 45 days salary for every completed year of continuous service would require to be paid. It has also been provided that in the case of closure of the undertaking, the employer shall require to give sixty days' notice to the State Government.

As the Gujarat Legislative Assembly was not in session, the Industrial Disputes (Gujarat Amendment) Ordinance, 2004 was promulgated to amend the said Act to achieve the aforesaid object. This Bill seeks to replace the said Ordinance by an Act of the State Legislature.

**ANIL PATEL**



**MEMORANDUM REGARDING DELEGATED LEGISLATION**

The Bill involves delegation of legislative powers in the following respects :-

*Clause 3.-* (i) Clause (b) of sub-section (1) of section 25ZA of Chapter V-D proposed to be inserted by this clause, empowers the State Government to prescribe the manner in which the compensation equivalent to forty-five days salary for every completed year of continuous service shall be paid to the workman;

(ii) section 25ZC of Chapter V-D proposed to be inserted by this clause, empowers the State Government to prescribe the manner in which an employer, who intends to close down an undertaking, shall serve a notice of his intended closure of the undertaking before sixty days to the State Government.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Gandhinagar,  
Dated the 17<sup>th</sup> February, 2004.

**ANIL PATEL.**

By order and in the name of the Governor of Gujarat,

Gandhinagar:  
Dated the 17<sup>th</sup> February, 2004.

**S. S. PARMAR,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary affairs Department.

Government Central Press, Gandhinagar.



सममेव जयते

# The Gujarat Government Gazette EXTRAORDINARY

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Separate paging is given to this Part in order that it  
may be filed as a Separate Compilation.

## PART - V

**Bills introduced in the Gujarat Legislative Assembly.**

(To be translated into Gujarati and the translation to be published in the  
*Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under  
the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

**THE GUJARAT COURT-FEES BILL, 2004.**

**GUJARAT BILL NO. 2 OF 2004.**

## A B I L L

*to consolidate and amend the law relating to fees in the courts and public  
offices and fees taken in respect of certain matters in the State of Gujarat,  
other than fees falling under entries 77 and 96 of List I in the  
Seventh Schedule to the Constitution of India.*

It is hereby enacted in the Fifty-fifth Year of the Republic of India  
as follows :-

### CHAPTER I PRELIMINARY

1. (1) This Act may be called the Gujarat Court-Fees Act, 2004.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may,  
by notification in the *Official Gazette*, appoint.
- (4) The provisions of this Act shall not apply to fees or stamps relating  
to documents presented or to be presented before any officer serving under  
the Central Government.
- (5) In the absence of any specific provision to the contrary, nothing in  
this Act shall affect any special law now in force relating to fees taken in  
the courts and public offices.

Short title, extent,  
commencement  
and application.



## Definitions.

2. In this Act, unless the context otherwise requires, -

- (a) "Chief Controlling Revenue Authority" means such officer, as the State Government may by notification in the *Official Gazette*, appoint in this behalf for the whole or any part of the State of Gujarat;
- (b) "Collector" includes any officer authorised by the Chief Controlling Revenue Authority to perform the functions of a Collector under this Act;
- (c) "Plaint" includes a written statement pleading a set off or counter claim.

## CHAPTER II COMPUTATION OF FEES

Levy of fees in High Court on its original side.

3. The fees payable for the time being to the clerks and officers (other than the sheriffs and attorneys) of the High Court;

or chargeable in that Court under Article 10 of the First Schedule, and Articles 11, 14, 17, 20 and 21 of the Second Schedule annexed to this Act;

shall be collected in the manner hereinafter appearing.

Fees on documents filed, etc. in courts or in public offices.

4. No document of any of the kinds specified as chargeable in the First or Second Schedule annexed to this Act shall be filed, exhibited or recorded in any Court of Justice, or shall be received or furnished by any public officer, unless in respect of such document there has been paid a fee of an amount not less than that indicated by either of the said Schedules as the proper fee for such document.

Procedure in case of difference as to necessity or amount of fee.

5. (1) When any difference arises between the officer whose duty is to see that any fee is paid under this Act and any suitor or attorney, as to the necessity of paying a fee or the amount thereof, the question shall, when the difference arises in the High Court, be referred to the taxing officer, whose decision thereon shall be final, subject to revision, on an application, made within sixty days from the date of the decision, by the suitor or attorney or pleader or such officer as may be appointed in this behalf by the State Government, by the Chief Justice or by such Judge of the High Court as the Chief Justice shall appoint either generally or specially in this behalf. The Chief Justice shall declare the taxing officer within the meaning of this sub-section.

(2) When any such difference arises in the Ahmedabad City Civil Court, the question shall be referred to the Registrar of the City Civil Court, whose decision shall be final, subject to revision, on an application, made within



sixty days from the date of the decision, by the party concerned or such officer as may be appointed in this behalf by the State Government, by the Principal Judge or such other Judge of the said Court as the Principal Judge shall appoint either generally or specially in this behalf.

(3) When such difference arises in any other Court, the question shall be referred to the Judge presiding over such Court for final decision.

6. The amount of fees payable under this Act in the suits next hereinafter mentioned shall be computed as follows :-

Computation of  
fees payable in  
certain suits.

(1) In suits for money (including suits for damages or compensation, or arrears of maintenance, of annuities or of other sums payable periodically) according to the amount claimed;

for money.

(2) In suits for maintenance (with or without a prayer for the creation of a charge), and for annuities or other sums payable periodically according to the value of the subject matter of the suit, and such value shall be deemed to be, in the case of a suit for maintenance, the amount claimed to be payable for one year and in any other case, ten times such amount:

for maintenance  
and annuities.

Provided that if in a suit for maintenance the plaintiff obtains a decree for maintenance the defendant shall be liable to make good the deficit, if any, between the fee payable on ten times the amount awarded for one year and the fee already paid by the plaintiff, and the amount of such deficit shall, without prejudice to any other mode of recovery, be recoverable as an arrears of land revenue.

(3) (a) In suits for movable property other than money, where the subject matter has a market value according to such value at the date of presenting the plaint;

for other movable  
property having a  
market value.

(b) in suits for declaration to obtain adjudication against recovery of money from the plaintiff, whether the recovery is as land revenue or arrears of land revenue or tax or duty or cess or fee or fine or penalty or under any decree or order of a court or any certificate or award other than under the Arbitration and Conciliation Act, 1996, or in any other manner one-fourth of the ad valorem fee leviable on the amount sought to be recovered according to the scale prescribed under Article 1 of Schedule I with a minimum fee of thirty rupees :

against recovery of  
any money due as a  
tax, etc.

26 of 1996.

Provided that when in addition to any consequential relief other than possession is sought, the amount of fee shall be one-half of the ad valorem fee on the amount sought to be recovered :

Provided further that when the consequential reliefs sought also include a relief for possession the amount of fee shall be the full *ad valorem fee* on the amount sought to be recovered;

similar claim in respect of movable property.

- (c) in suits for declaration similar to those falling under sub-clause (b) in respect of movable property one-fourth of the *ad valorem* fee leviable on the value of the movable property subject to the minimum fee as under sub-clause (b) :

Provided that when in addition to any consequential relief other than possession is sought, the amount of fee shall be one-half of the *ad valorem* fee leviable on the value of such property :

Provided further that when the consequential reliefs also sought include a relief for possession, the amount of fee shall be the full *ad valorem* fee leviable on such value;

for status with monetary attribute.

- (d) in suits for declaration of the status of plaintiff, to which remuneration, honorarium, grant, salary, income, allowance or return is attached, one-fourth of the *ad valorem* fee leviable on the emoluments or value of return for one year :

Provided that when in addition to any consequential relief other than possession is sought, the amount of fee shall be one-half of the *ad valorem* fee on such emoluments or value of return :

Provided further that when the consequential reliefs sought also include a relief for possession, the amount of fee shall be the full of the *ad valorem* fee on such emoluments or value of return.

for ownership etc., for immovable property etc.

- (4) In suits for declaration in respect of ownership or nature of tenancy, title, tenure, right, lease, freedom, or exemption from, or non-liability to, attachment with or without sale or other attributes, of immovable property, such as a declaration that certain land is personal property of the Ruler of any former Indian State or public trust property or property of any class or community one-fourth of the *ad valorem* fee leviable for a suit for possession on the basis of title of the subject matter, subject to a minimum fee of forty rupees:

Provided that if the question is of attachment with or without sale, the amount of fee shall be the *ad valorem* fee according to the



value of the property sought to be protected from attachment with or without sale or the fee of thirty rupees, whichever is less:

Provided further that, where the defendant is or claims under or through a limited owner, the amount of fee shall be one-sixth of such *ad valorem* fee, subject to the minimum fee specified above:

Provided also that, in any of the cases falling under this clause except its first proviso, when in addition to any consequential relief other than possession is sought, the amount of fee shall be one half of the *ad valorem* fee and when the consequential relief sought also include a relief for possession the amount of fee shall be the full *ad valorem* fee.

- (5) In suits for declaration of easement or right to benefit arising out of immovable property, with or without an injunction or other consequential relief, the amount of fee shall be as shown in the Table below:-

declaration for easements, etc.

**TABLE**

Area 1	Fee 2
(a) The area within the limits of the Municipal Corporation.	One-fourth of the <i>ad valorem</i> fee leviable for a suit for possession of the servient tenement or the dominant tenement, whichever is less subject to a minimum fee of thirty rupees.
(b) Area within the limits of Municipality.	One-sixth of the <i>ad valorem</i> fee leviable for a suit for possession of the servient tenement or the dominant tenement, whichever is less, subject to a minimum fee of thirty rupees.
(c) Any other area in the State of Gujarat.	Thirty rupees.

- (6) In suits for declaration of status to which no direct monetary attribute is attached such as a declaration that the plaintiff is a married husband or wife of the defendant or divorced husband or wife of the defendant or a declaration about legitimacy of children or about citizenship rights or about an adoption - Sixty rupees:

for other status without monetary attribute.



Provided that where injunction or other consequential relief is also sought in such case, the amount of fee shall be one hundred rupees.

for charge  
on  
property.

- (7) In suits for declaration of a charge in favour of the plaintiff on movable or immovable property, one-half of the *ad valorem* fee payable on the charge amount:

Provided that where injunction or other consequential relief is also sought in such cases, the amount of fee shall be the full *ad valorem* fee payable on the charge amount.

for periodical  
money returns.

- (8) In suits for declaration in respect of periodical charge or money return in favour of or against the plaintiff one-half of the *ad valorem* fee payable on the charge for five years if the charge is annual and on the charge for one year if the period of the charge is less than one year.

for avoidance of  
sale, contract for  
sale, etc.

- (9) In suits for declaration that any sale or contract for sale or termination of the contract for sale of any moveable or immoveable property is void, one-half of the *ad valorem* fee leviable on the value of the property.

for avoidance of  
acquisition  
proceedings.

- (10) In suits for declaration that any proceedings for compulsory acquisition of any moveable or immoveable property are void, one-half of the *ad valorem* fee leviable on the value of the property.

for accounts.

- (11) In suits for a accounts according to the amount at which the relief sought is valued in the plaint or memorandum of appeal, subject to the provisions of section 8 and subject to a minimum fee of one hundred rupees.

for other  
declarations.

- (12) In suits where declaration is sought, with or without injunction or other consequential relief and the subject matter in dispute is not susceptible of monetary evaluation and which are not otherwise provided for by this Act - one hundred rupees,

In all suits under sub-clauses (b), (c) and (d) of clause (3) and clauses (4) to (11), the plaintiff shall state the amount at which he values the relief sought, with the reasons for the valuation.

for possession of  
lands, houses  
and gardens.

- (13) In suits for the possession of land, houses and gardens according to the value of the subject matter; and such value shall be deemed to be, where the subject matter is a house or garden according to the market value of the house or garden and where the subject matter is land, and

- (a) Where the land is held on settlement for a period not exceeding thirty years and pays the full assessment to Government -- a sum equal to twenty times the survey assessment;
- (b) Where the land is held on a permanent settlement, or on a settlement for any period exceeding thirty years, and pays the full assessment to Government -- a sum equal to forty times the survey assessment; and
- (c) Where the whole or any part of the annual survey assessment is remitted a sum computed under sub-clause (a) or sub-clause (b), as the case may be, in addition to forty times the assessment, or the portion of assessment, so remitted;
- (14) In suits to enforce a right of pre-emption according to the value ( computed in accordance with the clause (13) ) of the land, house or garden in respect of which the right is claimed. to enforce a right of pre-emption.
- (15) In suits for partition and separate possession of a share of joint family property or of joint property, or to enforce a right to a share in any property on the ground that it is joint family property or joint property whether or not, the plaintiff is in actual or constructive possession of the property of which he claims to be a co-parcener or co-owner according to the value of the share in respect of which the suit is instituted. for share in joint property.
- Explanation.-* For the purposes of this clause, if the property in which a share is claimed consists of or includes any land assessed to land revenue for the purpose of agriculture; the value of such land shall be deemed to be the value as determined under clause (13).
- (16) In suits for the interest of an assignee of land revenue, thirty times his net profits as such for the year next before the date of presenting the plaint. for interest of assignee of land revenue.
- (17) In suits to set aside an attachment of land or of an interest in land or revenue - according to the amount for which the land or interest was attached: to set aside an attachment.
- Provided that where such amount exceeds the value of the land or interest, the amount of fee shall be computed as if the suit were for the possession of such land or interest.
- (18) In suits against a mortgagee for the recovery of the property mortgaged, and in suits by a mortgagee to foreclose the mortgage, to redeem.



or when the mortgage is made by conditional sale, to have the sale declared absolute -

according to the principal money expressed to be secured by the instrument of mortgage.

for specific  
performance.

(19) In suits for specific performance -

- (a) of a contract of sale -- according to the amount of the consideration,
- (b) of a contract of mortgage -- according to the amount agreed to be secured,
- (c) of a contract of lease -- according to the aggregate amount of the fine or premium (if any) and of the rent agreed to be paid during the first year of the term,
- (d) of an award -- according to the amount or value of the property in dispute ;

between  
landlord  
and tenant.

(20) In the following suits between landlord and tenant -

- (a) for the delivery by a tenant of the counterpart of a lease,
- (b) to enhance the rent of a tenant having a right of occupancy,
- (c) for the delivery by a landlord of a lease,
- (d) for the recovery of immovable property from a tenant, including a tenant holding over after the determination of a tenancy,
- (e) to contest a notice of ejectment,
- (f) to recover the occupancy of immovable property from which a tenant has been illegally ejected by the landlord, and
- (g) for abatement of rent—

according to the amount of the rent of the immovable property to which the suit refers, payable for the year next before the date of presenting the plaint.

fee on memorandum  
of appeal against  
order or award  
relating to  
compensation in  
certain cases.

7. (1) The amount of fee payable under this Act on a memorandum of appeal against an order having the force of a decree relating to compensation under any Act for the time being in force for the acquisition of land for public purposes shall be computed according to the difference between the amount awarded and the amount claimed by the appellant.

(2) The amount of fee payable under this Act on a memorandum of appeal against an award of a Claims Tribunal preferred under section 173 of the Motor Vehicles Act, 1988, shall be computed as follows:-



- (i) if such appeal is preferred by the insurer or owner of the motor vehicle, the full *ad valorem* fee leviable on the amount at which the relief is valued in the memorandum of appeal according to the scale prescribed under Article 1 of Schedule I;
- (ii) if such appeal is preferred by any other person – one half of the *ad valorem* fee leviable on the amount at which the relief is valued in the memorandum of appeal according to the said scale:

Provided that if such person succeeds in the appeal, he shall be liable to make good the deficit, if any, between the full *ad valorem* fee payable on the relief awarded in the appeal according to the said scale and the fee already paid by him; and the amount of such deficit shall, without prejudice to any other mode of recovery, be recoverable as an arrear of land revenue.

8. If the Court is of opinion that the subject matter of any suit has been wrongly valued or if an application is made to the Court for the revision of any valuation made, the Court may determine the correct valuation by holding such inquiry as it thinks fit for such purpose, and revise the valuation.

Inquiry to  
valuation of  
suits.

9. (1) For the purpose of an inquiry under section 8, the Court may depute, or issue a commission to, any suitable person to make such local or other investigation as may be necessary and to report thereon to the Court. Such report and any evidence recorded by such person shall be evidence in the inquiry.

Investigation to  
ascertain proper  
valuation.

(2) The Court may, from time to time direct such party to the suit as it thinks fit to deposit such sum as the Court thinks reasonable as the costs of the inquiry, and if the costs are not deposited within such time as the Court shall fix may, notwithstanding anything contained in any other Act, reject the plaint or, as the case may be the appeal, if such party is the plaintiff or the appellant and, in any other case, may recover the costs as a public demand :

Provided that when any plaint or appeal is rejected under this section, the court-fees already paid shall not be liable to be refunded.

10. (1) The Court, when making an inquiry under section 8 and any person making an investigation under section 9 shall have respectively for the purposes of such inquiry or investigation, the powers vested in a Court under the Code of Civil Procedure, 1908, in respect of the following matters, namely:-

Power of  
persons making  
inquiry under  
sections 8 and 9.

- (a) enforcing the attendance of any person and examining him on oath or affirmation;
- (b) compelling the production of documents or material objects;
- (c) issuing commissions for the examination of witnesses;
- (d) taking or receiving evidence on affidavits.

(2) An inquiry or investigation referred to in sub-section (1) shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

45 of 1860.

Costs of inquiry as to valuation and refund of excess fee.

11. If in the result of an inquiry under section 8, the Court finds that the subject matter of the suit has been undervalued, the Court shall order the party responsible for the under valuation to pay the costs of the inquiry.

If in the result of such inquiry, the Court finds that the subject matter of the suit has not been undervalued, the Court may, in its discretion, order that such costs shall be paid by the Government or by any party to the suit at whose instance the inquiry has been undertaken and if any amount exceeding the proper amount of fee has been paid shall refund the excess amount so paid.

Appointment of inspecting officers and recovery in cases reported by them.

12. (1) The State Government may appoint generally, or in any case, or for any specified class of cases, in any local area, one or more officers to be called inspecting officers.

(2) The Inspecting officer may, subject to the control of the Court concerned, examine the records of any case which is pending or has been disposed of, with a view to finding out whether proper fees have been paid therein.

(3) If on such examination, the inspecting officer finds that the fee payable under this Act on any document filed, exhibited or recorded in such case has not been paid or has been insufficiently paid, he shall report the fact to the presiding officer of the court.

(4) Such presiding officer, after satisfying himself of the correctness of such report, shall record a provisional finding that the proper fee has not been paid and determine the amount of the fee payable and such further sum as he thinks reasonable as the costs of the inquiry and the person from whom the fee or the difference thereof, if any, and the costs shall be recoverable.

(5) After recording the finding under sub-section (4), the presiding officer shall issue a notice to the person referred to in that sub-section to show cause as to why he should not be ordered to pay the fee and the costs determined hereunder, and if sufficient cause is not shown, the presiding officer shall confirm the finding and make an order requiring such person to pay the proper fee and the cost before a specified date.



(6) If such person fails to pay the fee and the costs in accordance with the provisions of sub-section (5), they shall, on the certificate of such presiding officer, be recoverable as an arrears of land revenue.

13. (1) In a suit or proceeding the difference, if any, between the fee actually paid and the fee which would have been payable, on delivery of judgment, be taxed by the court and shall be leviable from the plaintiff and if not paid by him within thirty days from the date of the judgment be recoverable according to the law and under the rules for the time being in force for the recovery of an arrears of land revenue.

Taxing of court-fees and their recovery in suits for *mense profits* or account.

(2) The Court shall send a copy of the decree or order or award passed in such suit to the Collector.

(3) No decree passed in any suit by the Court shall be executed, until a certificate to the effect that such difference is paid or recovered, signed by the Court which passed the decree or by the Collector who recovered the amount, is produced along with the application for such execution.

*Explanation.*- For the purpose of this section, "Plaintiff" includes any party to a suit to whom any profits or amount are or is found to be due.

14. (1) Every question relating to valuation for the purpose of determining the amount of any fee chargeable under this Chapter on a plaint or memorandum of appeal shall be decided by the Court in which such plaint or memorandum, as the case may be, is filed and such decision shall be final as between the parties to the suit.

Decision of questions as to valuation.

(2) But whenever any such suit comes before a Court of appeal, reference or revision, if such Court considers that the said question has been wrongly decided to the detriment of the revenue, it shall require the party, by whom such fee has been paid, to pay such additional fee as would have been payable had the question been rightly decided.

15. If an appeal or plaint, which has been rejected by the lower court on any of the grounds mentioned in the Code of Civil Procedure, 1908, is ordered to be received, or if a suit is remanded in appeal, on any of the grounds mentioned in rule 23 of Order XLI in the First Schedule to the same Code for a second decision by the lower Court, the Appellate Court shall grant to the appellant a certificate, authorising him to receive back from the Collector, the full amount of fee paid on the memorandum of appeal :

Refund of fee paid on memorandum of appeal.

5 of 1908.

Provided that if, in the case of remand in appeal, the order of remand shall not cover the whole of the subject matter of the suit, the certificate so granted shall not authorise the appellant to receive back more than so much



fee as would have been originally payable on the part or parts of such subject matter in respect whereof the suit has been remanded.

Refund of fee  
on application  
or review of  
judgement.

16. Where an application for review of judgment is presented on or after the ninetieth day from the date of the decree, the Court, unless the delay was caused by the applicant's laches, may, in its discretion, grant him a certificate authorising him to receive back from the Collector so much of the fee paid on the application as exceeds the fee which would have been payable had it been presented before such day.

Refund where  
Court reverses  
or modifies its  
former decision  
on ground of  
mistake.

17. Where an application for a review of judgment is admitted, and where, on the rehearing, the Court reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall be entitled to a certificate from the Court authorising him to receive back from the Collector so much of the fee paid on the application as exceeds the fee payable on any other application to such Court under clause (c) or (f) of Article I of the Second Schedule annexed to this Act.

But nothing in the former part of this section shall entitle the applicant to such certificate where the reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing.

Multifarious  
suits.

18. Where a suit embraces two or more distinct subjects, the plaint or memorandum of appeal shall be chargeable with the aggregate amount of the fees to which the plaints or memoranda of appeal in suits embracing separately each of such subjects would be liable under this Act.

Nothing in the former part of this section shall be deemed to affect the power conferred by the Code of Civil Procedure, 1908, Schedule I, Order II, rule 6.

5 of 1908.

Written  
examinations of  
complainants.

19. When the first or only examination of a person who complains of the offence of wrongful confinement, or of wrongful restraint, or of any offence other than an offence for which police officer may arrest without a warrant, and who has not already presented a petition on which a fee has been levied under this Act, is reduced to writing under the provisions of the Code of Criminal Procedure, 1973, the complainant shall pay a fee of ten rupees unless the court thinks fit to remit such payment.

2 of 1974.

Exemption of  
certain  
documents.

20. Nothing contained in this Act shall render the following documents chargeable with any fee-

- (i) Power-of-attorney to institute or defend a suit when executed by a member of any of the Armed Forces of the Union not in civil employment.

- (ii) Application for certified copies of documents or of any other purpose in the course of a criminal proceeding presented by or on behalf of the State Government to a criminal Court.
- (iii) Written statements called for by the Court after the first hearing of a suit.
- (iv) Probate of a will, letters of administration, and, save as regards debts and securities, a certificate under the Bombay Regulation VIII of 1827 or any corresponding law in force, where the amount or value of the property in respect of which the probate or letters or certificate shall be granted does not exceed one thousand rupees.
- (v) Application or petition to the Collector or other officer making a settlement of land revenue, or to a Board of Revenue, or a Commissioner of Revenue, relating to matters connected with the assessment of land or the ascertainment, of rights thereto or interest therein, if presented, previous to the final confirmation of such settlement.
- (vi) Application relating to supply for irrigation of water belonging to Government.
- (vii) Application for leave to extend cultivation, or to relinquish land, when presented to an officer of a land revenue by a person holding, under direct engagement with Government, land of which the revenue is settled, but not permanently.
- (viii) Application for service of notice of relinquishment of land or of enhancement of rent.
- (ix) Written authority to an agent to distrain.
- (x) Petition, application, charge or information respecting any offence when presented, made or laid to or before a Police Officer, or to or before the Heads of Villages or the Village Police.
- (xi) Petition by a prisoner, or other person in duress or under restraint of any Court or its officer.
- (xii) Complaint of a public servant (as defined in the Indian Penal Code), a municipal officer, or an officer or servant of a railway company. 45 of 1860.
- (xiii) Application for the payment of money due by the Government to the applicant.



- (xiv) Petition of appeal against any municipal tax.
- (xv) Applications for compensation under any law for the time being in force relating to the acquisition of property for public purposes, other than those chargeable under Article 15 of Schedule I.

### CHAPTER III

#### PROBATES, LETTERS OF ADMINISTRATION AND CERTIFICATES OF ADMINISTRATION

Relief where too high a court-fee has been paid.

21. Where any person on applying for the probate of a will or letters of administration has estimated the property of the deceased to be of greater value than the same has afterwards proved to be, and has consequently paid too high a court-fee thereon, if, within six months after the true value of the property has been ascertained, such person produces the probate or letters to the Chief Controlling Revenue Authority for the local area in which the probate or letters has or have been granted,

and delivers to such Authority a particular inventory and valuation of the property of the deceased, verified by affidavit or affirmation,

and if such Authority is satisfied that a greater fee was paid on the probate or letters than the law required,

the said Authority may -

- (a) cancel the stamp on the probate or letters if such stamp has not been already cancelled;
- (b) substitute another stamp for denoting the court-fee which should have been paid thereon; and
- (c) make an allowance for the difference between them as in the case of spoiled stamps, or repay the same in money, at his discretion.

Relief when debts due from a deceased person have been paid out of his estate.

22. Whenever it is proved to the satisfaction of such Authority that an executor or administrator has paid debts due from the deceased to such an amount as, being deducted out of the amounts or value of the estate reduces the same, to a sum which, if it had been the whole gross amount or value of the estate, would have occasioned a less court-fee to be paid on the probate or letters of administration granted in respect of such estate than has been actually paid thereon under this Act,

such Authority may return the difference, provided the same be claimed within three years after the date of such probate or letters of administration.



But when, by reason of any legal proceeding, the debts due from the deceased have not been ascertained and paid, or his effects have not been recovered and; made available, and in consequence, thereof the executor or administrator is prevented from claiming the return of such difference within the said term of three years, the said Authority may allow such further time for making the claim as may appear to be reasonable under the circumstances.

23. Whenever a grant of probate or letters of administration has been or is made in respect of the whole of the property belonging to an estate and the full fee chargeable under this Act has been or is paid thereon, no fee shall be chargeable under the same Act when a like grant is made in respect of the whole or any part of the same property belonging to the same estate.

Relief in case of several grants.

Whenever such a grant has been or is made in respect of any property forming part of an estate, the amount of fees then actually paid under this Act shall be deducted when a like grant is made in respect of property belonging to the same estate, identical with or including the property to which the former grant relates.

24. The probate of the will or the letters of administration of the effects of any person deceased hereto before or hereafter granted shall be deemed valid and available by his executors or administrators for recovering, transferring or assigning any movable or immovable property whereof or whereto the deceased was possessed or entitled either wholly or partially as a trustee, notwithstanding the amount or value of such property is not included in the amount or value of the estate in respect of which a court-fee was paid on such probate or letters of administration.

Probates declared valid as to trust property though not covered by court-fees.

25. Where any person on applying for probate or letters of administration has estimated the estate of the deceased to be of less value than the same has afterwards proved to be, and has in consequence paid too low a court-fee thereon, the Chief Controlling Revenue Authority for the local area in which the probate or letters of administration has or have been granted may, on the value of the estate of the deceased being verified by affidavit or affirmation, cause the probate or letters of administration to be duly stamped on payment of the full court-fee which ought to have been originally paid thereon in respect of such value and of the further penalty, if the probate or letters is or are produced within one year from the date of the grant, of five times, or, if it or they, is or are produced after one year from such date, of twenty times, such proper court-fee, without any deduction of the court-fee originally paid on such probate or letters of administration :

Provisions for case where too low a court-fee has been paid on probates, etc.

Provided that if the application be made within six months after the ascertainment of the true value of the estate and the discovery that too low a court-fee was at first paid on the probate or letters of administration, and if the said Authority is satisfied that such fee was paid in consequence of a

mistake or of its not being known at the time that some particular part of the estate belonged to the deceased, and without any intention of fraud or to delay the payment of the court-fee, the said Authority may remit the said penalty, and cause the probate or letters of administration to be duly stamped on payment only of the sum wanting to make up the fee which should have been at first paid thereon.

Administrator to give proper security before letters stamped under section 25.

26. In case of letter of administration on which too low a court-fee has been paid at first ; the said Authority shall not cause the same to be fully stamped in manner aforesaid until the administrator has given such security to the Court by which the letters of administration have been granted as ought by law to have been given on the granting thereof in case the full value of the estate of the deceased had been then ascertained.

Executors, etc. not paying full court-fee on probates, etc. within six months after discovery of under payment.

27. Where too low a court-fee has been paid on any probate or letters of administration in consequence of any mistake, or of its not being known at the time that some particular part of the estate belonged to the deceased, if any executor or administrator acting under such probate or letters of administration does not, within six months after the discovery of the mistake or of any effects not known at the time to have belonged to the deceased, apply to the said Authority and pay what is wanting to make up the court-fee which ought to have been paid at first on such probate or letters of administration, he shall forfeit the sum of one thousand rupees and also a further sum at the rate of ten rupees per cent. on the amount of the sum wanting to make up the proper court-fee.

Notice of applications for probate or letters of administration to be given to Revenue authorities, and procedure thereon.

28. (1) Where an application for probate or letters of administration is made to any Court other than the High Court, the Court shall cause notice of the application to be given to the Collector.

(2) Where such an application as aforesaid is made to the High Court, the High Court shall cause notice of the application to be given to the Chief Controlling Revenue Authority.

(3) The Collector within the local limits of whose revenue jurisdiction the property of the deceased or any part thereof is, may at any time inspect or cause to be inspected, and take or cause to be taken copies of, the record of any case in which application for probate or letters of administration has been made; and if, on such inspection or otherwise, he is of opinion that the petitioner has under-estimated the value of the property of the deceased, the Collector shall forward his report, giving therein his reasons for his opinion and his estimate of the true valuation, to the High Court or any other Court, as the case may be, serving at the same time a copy of his report on the petitioner.

(4) If within thirty days from the date of receipt of the copy of the Collector's report served on him under sub-section (3), the petitioner does not file in Court his objections to the Collector's valuation, the Court shall



make an order amending the petitioner's valuation, in accordance with the report of the Collector.

(5) If within the aforesaid period, the petitioner filed in Court his objection, the Court shall hold, or cause to be held, an inquiry in accordance with the provisions of sections 9, 10 and 11 as if the application were a suit and shall record the finding as to the true value, as near as may be, at which the property of the deceased should have been estimated. The Collector shall be deemed to be a party to the inquiry.

(6) The finding of the Court recorded under sub-section (5) shall be final, but shall not bar the entertainment and disposal by the Chief Controlling Revenue Authority of any application under section 25.

(7) The State Government may make rules for the guidance of Collector, in the exercise of the powers conferred by sub-section (3).

29. (1) No order entitling the petitioner to the grant of probate or letters of administration shall be made upon an application for such grant until the petitioner has filed in the Court a valuation of the property in the form set forth in the Third Schedule, and the Court is satisfied that the fee mentioned in Article 10 of the First Schedule has been paid on such valuation.

Payment of court-fee in respect of probate and letters of administration.

(2) The grant of probate or letters of administration shall not be delayed by reason of any report made by the Collector under sub-section (3) of section 28.

30. (1) Any excess fee found to be payable on an inquiry held under section 28 and any penalty or forfeiture under section 27, may, on the certificate of the Chief Controlling Revenue Authority, be recovered from the executor or administrator as if it were an arrear of land revenue by any Collector.

Recovery of penalties etc.

(2) The Chief Controlling Revenue Authority may remit the whole or any part of any such penalty or forfeiture as aforesaid, or any part of any penalty under section 25 or of any court-fee under section 25 in excess of the full court-fee which ought to have been paid.

31. Nothing in sections 4 and 40 shall apply to probates or letters of administration.

Sections 4 and 40 not to apply to probates or letters of administration.

## CHAPTER IV PROCESS FEES

Rules as to  
costs of  
process.

32. The High Court shall make rules as to the following matters -

- (i) the fees chargeable for serving and executing processes issued by such court in its appellate jurisdiction, and by the other Civil and Revenue Courts established within the local limits of such jurisdiction;
- (ii) the fees chargeable for serving and executing processes issued by the Criminal Courts, established within such limits in the case of offences other than offences for which police officers may arrest without a warrant ; and
- (iii) the remuneration of the peons and all other persons employed by leave of a Court in the service or execution of processes.

The High Court may from time to time alter and add to the rules so made.

Confirmations  
and  
publication of  
rules.

All such rules, alterations and additions shall, after being confirmed by the State Government, be published in the *Official Gazette*, and shall thereupon have the force of law.

Until such rules shall be so made and published, the fees now leviable for serving and executing processes shall continue to be levied and shall be deemed to be fees leviable under this Act.

Tables of  
process fees.

33. A table in the English and regional languages, showing the fees chargeable for such service and execution, shall be exposed to view in a conspicuous part of each court.

Number of  
peons in District  
and subordinate  
Courts.

34. Subject to the rules to be made by the High Court and approved by the State Government, every District Judge, the Principal Judge of the City Civil Court and every Magistrate of a District shall fix, and may from time to time alter, the number of peons or persons necessary to be employed for the service and execution of processes issued out of his Court, and each of the Courts subordinate thereto,

Number of  
peons in  
mofussil Small  
Cause Courts.

and for the purposes of this section, every Court of Small Causes established under the law shall be deemed to be subordinate to the Court of the District Judge.



35. Subject to rules to be framed by the Chief Controlling Revenue Authority and approved by the State Government, every officer performing the function of a Collector of a District shall fix, and may from time to time alter, the number of peons necessary to be employed for the service and execution of processes issued out of his Courts or the Court subordinate to him.

Number of  
peons in  
Revenue  
Courts.

## CHAPTER V MODE OF LEVYING FEES

36. All fees shall be charged and collected under this Act at the rate in force on the date on which the document chargeable to court-fees is or was presented.

Rate of fee in force  
on date of  
presentation of  
document to be  
applicable.

37. (1) All fees chargeable under this Act shall be collected by stamps.

Collection of fees  
by stamps.

- (2) Notwithstanding anything contained in sub-section (1), where –

- (a) the State Government, in relation to any area in the State, or
- (b) the Collector, in relation to any area in the district under his charge, is satisfied that on account of temporary shortage of stamps in any area, fee cannot be paid, and payment of fee cannot be indicated on documents, by means of stamps, the State Government, or as the case may be, the Collector may by notification in the *Official Gazette*, direct that in such area and for such period as may be specified in such notification, the fee may be paid in cash in any Government treasury or sub-treasury, and the officer-in-charge of such treasury or sub-treasury shall, on production of a *challan* evidencing payment of fee in such treasury or sub-treasury, certify such payment by endorsement on the document in respect of which fee has been so paid, and state in the said endorsement the amount of the fee so paid.

- (3) An endorsement made on any document under sub-section (2) shall have the same effect as if the fee of an amount equal to the amount stated in the endorsement had been paid in respect of, and such payment had been indicated on, such document by means of stamps under sub-section (1).

38. The stamps used to denote any fees chargeable under this Act shall be impressed or adhesive or partly impressed or partly adhesive, as the State Government may, by notification in the *Official Gazette*, from time to time, direct.

Stamps to be  
impressed or  
adhesive.

Powers of  
State  
Government  
to make rules.

39. The State Government may, from time to time make rules for regulating -

- (a) the supply of stamps to be used under this Act,
- (b) the number of stamps to be used for denoting any fee chargeable under this Act,
- (c) the renewal of damaged or spoiled stamps, and
- (d) the keeping accounts of all stamps used under this Act:

Provided that in the case of stamps used under section 3 in the High Court, such rules shall be made, with the concurrence of the Chief Justice of such Court.

All such rules shall be published in the *Official Gazette*, and shall thereupon have the force of law.

Stamping  
documents  
inadvertently  
received.

40. No documents which ought to bear stamp under this Act shall be of any validity, unless and until it is properly stamped.

But, if any such document is through mistake or inadvertence received, filed or used in any Court or office, without being properly stamped, the presiding Judge or the Head of the Office, as the case may be, or in the case of the High Court, any Judge of such Court, may, if he thinks fit, order that such document be stamped as he may direct; and, or such document being stamped accordingly, the same and every proceeding relative thereto shall be valid as if it had been properly stamped in the first instance.

Amended  
documents.

41. Where any such document is amended in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

Cancellation  
of stamps.

42. No document requiring a stamp under this Act shall be filed or acted upon in any proceeding in any Court or office until the stamp has been cancelled.

Such officer as the Court or the head of office may from time to time appoint shall, on receiving any such document, forthwith effect such cancellation by punching out the figure-head so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed.



CHAPTER VI  
MISCELLANEOUS

43. (1) When any suit in a Court is settled by agreement of parties before any evidence is recorded, or any appeal or cross objection is settled by agreement of parties before it is called on for effective hearing by the Court, half the amount of the fee paid by the plaintiff, appellant, or respondent on the plaint, appeal or cross objection, as the case may be, shall be repaid to him by the Court :

Repayment of  
fee in certain  
circumstances.

Provided that no such fee shall be repaid if the amount of fee paid does not exceed one hundred rupees or the claim for repayment is not made within one year from the date on which the suit, appeal or cross objection was settled by agreement.

(2) The State Government may, from time to time, by order, provide for repayment to the plaintiffs, appellants or respondents of any part of the fee paid by them on plaints, appeals or cross objections, in suits or appeals disposed of under such circumstances and subject to such conditions as may be specified in the order.

*Explanation.-* For the purpose of this section, effective hearing shall exclude the dates when the appeal is merely adjourned without being heard or argued.

44. Whenever the filing or exhibition in a Criminal Court of a document in respect of which the proper fee has not been paid is, in the opinion of the Presiding Judge, necessary to prevent a failure of justice, nothing contained in section 4 shall be deemed to prohibit such filing or exhibition.

Admission in  
criminal cases  
of documents  
for which  
proper fee has  
not been paid.

45. (1) The State Government may, from time to time make rules for regulating the sale of stamps to be used under this Act, the persons by whom alone such sale is to be conducted, and the duties and remuneration of such persons.

Sale of  
stamps.

(2) All such rules shall be published in the *Official Gazette*, and shall thereupon have the force of law.

(3) Any person appointed to sell stamps who disobeys any rules made under this section, and any person not so appointed who sells or offers for sale only stamp, shall, on conviction, be punished with imprisonment for a term which may extend to three years or with fine which may extend to five thousand rupees or with both.

Power to  
reduce or  
remit fees.

46. The State Government may, from time to time, by notification in the *Official Gazette*, reduce or remit, in the whole or in any part of the territories under its administration all or any of the fees mentioned in the First and the Second Schedule annexed to this Act and may in like manner cancel or vary such order.

Saving of fees  
to certain  
officers of  
High Court.

47. Nothing in Chapters II and IV of this Act applies to the fees which any officer of the High Court is allowed to receive in addition to a fixed salary.

Saving as to  
stamp duties.

48. Nothing in this Act shall be deemed to affect the stamp duties chargeable under any other law for the time being in force relating to stamp duties.

Repeal and  
savings.

49. The Bombay Court-Fees Act, 1959 in its application to the State of Gujarat, is hereby repealed :

Bom.  
XXXVI of  
1959.

Provided that such repeal shall not affect the previous operation of the law so repealed and anything done or any action taken (including any appointment, notification, rules, order, form, application, reference, notice report or certificate made or issued) under the law shall, in so far as this is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provision of this Act and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act.

Amendment  
of Suits  
Valuation Act,  
1887.

50. In the Suits Valuation Act, 1887, in section 9, the words and figures "of the Court-Fees Act, 1870 and" shall be deleted. 7 of 1887.

Rules made by  
Government  
to be laid  
before State  
Legislature.

51. (1) All the rules made under this Act, shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to the rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(2) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.



**SCHEDULE I**  
***Ad valorem fees***

Name of proceeding 1	Description 2	Fees 3
1. Complaint or memorandum of appeal (not otherwise provided for in this Act) or of cross objection presented to any Civil or Revenue Court.	When the amount or value of the subject matter in dispute does not exceed one hundred rupees.	Twenty rupees.
	When such amount or value exceeds one hundred rupees, for every ten rupees, or part thereof, in excess of one hundred rupees, up to one thousand rupees.	Two rupees.
	When such amount or value exceeds one thousand rupees, for every hundred rupees, or part thereof, in excess of one thousand rupees, up to ten thousand rupees.	Twenty Rupees.
	When such amount or value exceeds ten thousand rupees, for every one thousand rupees, or part thereof, in excess of ten thousand rupees, up to one lakh of rupees.	One hundred twenty rupees.
	When such amount or value exceeds one Lakh of rupees, for every ten thousand rupees or part thereof in excess of one lakh of rupees:	Two hundred rupees.
	Provided that the maximum fee leviable on a complaint or memorandum of appeal or of cross objection shall be seventy-five thousand rupees.	
2. Complaint in a suit for possession under section 6 of the Specific Relief Act, 1963.	.....	A Fee of one-half of the amount prescribed in the scale under Article 1.
3. Complaint, application or petition (including memorandum of appeal) to set aside or modify any award otherwise than under the Arbitration and Conciliation Act, 1996.	.....	A fee on the amount or value of the award sought to be set aside or modified

47 of 1963.

26 of 1996.

according to  
the scale  
prescribed  
under Article 1.

4. Complaint, application or petition (including memorandum of appeal) which is capable of being treated as a suit, to set aside a decree or order having the force of a decree.

The same fee as is leviable on a plaint in a suit to obtain the relief granted in the decree or order, as the case may be.

5. Complaint in a suit, application or petition (including memorandum of appeal), to set aside alienation to which the plaintiff, applicant or appellant, as the case may be, was a party, either directly or through a legal guardian other than *de facto* or *ad hoc* guardian, manager or partner or Court.

A fee on the extent of the value of alienation to be set aside, according to the scale prescribed under Article 1.

6. Complaint in a suit (including memorandum of appeal) for possession between the guardian and ward, trustee and beneficiary, principal and agent, wife and husband, executor or administrator and beneficiary, receiver and owner of property and between persons having fiduciary relationship.

A fee of one-half of the amount prescribed in the scale under Article 1.

7. Any other complaint, application or petition (including memorandum of appeal), to obtain substantive relief capable of being valued in terms of monetary gain or prevention of monetary loss, including cases where in application or petition is either treated as a plaint or is described as the mode of obtaining the relief as aforesaid.

A fee on the amount of the monetary gain or loss to be prevented, according to the scale prescribed under Article 1.



- |  |  |   |
|--|--|---|
| 3. Application for review of judgement if presented on or after the ninetieth day from the date of the decree. | .....  | The fee leviable on the plaint or memorandum of appeal.   |
| 9. Application for review of judgement if presented before the ninetieth day from the date of the decree.      | .....  | One-half of the fee leviable on the plaint or memorandum of appeal.   |
| 10. Probate of a will or letters of administration with or without will annexed.                               | <p>When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees, on the part of the amount or value in excess of one thousand rupees, upto fifty thousand rupees.</p> <p>When the amount or value of the property in respect of which the grant of probate or letters is made exceeds fifty thousand rupees, on the part of the amount or value in excess of fifty thousand rupees, upto two lakhs rupees.</p> <p>When the amount or value of the property in respect of which the grant of probate or letters is made exceeds two lakhs rupees, on the part of the amount or value in excess of two lakhs rupees, upto three lakhs rupees.</p> <p>When the amount or value of the property in respect of which the grant of probate or letters is made exceeds three lakhs rupees, on the part of the amount or value in excess of three lakhs rupees :</p> <p>Provided that when, after the grant of a certificate under Part X of the Succession Act, 1925, or under the Bombay Regulation VIII of 1827 or any corresponding law for the time being in force, in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of later grant shall be reduced by the amount of the fee paid in respect of the former grant.</p> | <p>Two per cent.</p> <p>Four per cent.</p> <p>Six per cent.</p> <p>Seven and half per cent. subject to the maximum of seventy-five thousand rupees.</p> |

11. Certificate under Part X of the  
Succession Act, 1925.

.....

The fee  
leviable in the  
case of a  
probate (Article  
10) on the  
amount or  
value of any  
debt or security  
specified in the  
certificate  
under section  
374 of the Act,  
and one and a  
half times this  
fee on the  
amount or  
value of any  
debt or security  
to which the  
certificate is  
extended under  
section 376 of  
the Act.

39 of 1925.

**Note.-** (1) The  
amount of a  
debt is its  
amount  
including  
interest on the  
day on which  
the inclusion of  
the debt in the  
certificate if  
applied for, so  
far as such  
amount can be  
ascertained.

(2) Whether or  
not any power  
with respect to  
a security  
specified in a  
certificate has  
been conferred  
under the Act;  
and where such  
a power has  
been so  
conferred,



whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of the security, or for both purposes, the value of the security is its market value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained.

12. Certificate under Bombay Regulation VIII of 1827 or under any corresponding law in force.

.....

The fee leviable in the case of a probate (Article 10) on the amount or value of the property in respect of which the certificate is granted.

13. Complaint presented with an originating summons under the Rules of the High Court.

.....

The fee leviable on a complaint in suit for the same relief, subject to a minimum fee of sixty rupees.

- of 1956. 14. Application to the Court under section 543 of the Companies Act, 1956.

.....

The fee leviable on a complaint in a suit for the same relief.

- |   |       |   |             |
|---|-------|---|-------------|
| 15. Application to the Collector for a reference to the Court under section 18 of the Land Acquisition Act, 1894.   | ..... | One-half of the <i>ad-valorem</i> fee on the difference, if any, between the amount awarded by the Collector and the amount claimed by the applicant, according to the scale prescribed under Article 1 of Schedule I, subject to a minimum fee of thirty rupees. | 1 of 1894.  |
| 16. Application or petition made by any assessee to the High Court under section 256 of the Income Tax Act, 1961.   | ..... | One-half of the <i>ad-valorem</i> fee leviable on the amount in dispute (namely, the difference between the amount actually assessed and the amount admitted by the assessee as assessable), subject to the minimum fee of one hundred rupees.                    | 43 of 1961. |
| 17. Application or petition made by any person (other than the Collector or the Commissioner) to the High Court under any provision of the sales tax law for the time being in force in any part of the State of Gujarat. | ..... | One-half of the <i>ad-valorem</i> fee leviable on the amount in dispute (namely, the difference between the amount actually assessed  |             |

and the amount admitted by the assessee as assessable), subject to the minimum fee of one hundred rupees.

Table of rates of *ad-valorem* fees leviable on the institution of suits.

When the amount of value of the subject matter exceeds	But does not exceed	Proper fee
1	2	3
Rs.	Rs.	Rs.
1	1000	10
1000	2000	200
2000	3000	300
3000	4000	400
4000	5000	500
5000	6000	600
6000	7000	700
7000	8000	800
8000	9000	900
9000	10000	1000
10000	15000	1250
15000	20000	1500
20000	21000	1525
21000	22000	1600
22000	23000	1675
23000	24000	1750
24000	25000	1825
25000	26000	1900
26000	27000	1975
27000	28000	2050
28000	29000	2125
29000	30000	2200
30000	32000	2375
32000	34000	2500
34000	36000	2650
36000	38000	2800
38000	40000	2950
40000	42000	3100



42000	44000	3250
44000	46000	3400
46000	48000	3550
48000	50000	3700
50000	55000	4000
55000	60000	4300
60000	65000	4600
65000	70000	4900
70000	75000	5200

and the fees increases at the rate of Rs. 150 for every Rs.5000 or part thereof, upto Rs.1,00,000 and over Rs.1,00,000 at the rate of Rs. 200 for every rupees 10,000 or part thereof, upto Rs. 10,00,000 and over Rs. 10,00,000 at the rate of Rs. 1,200 for every Rs.1,00,000 or part thereof, upto Rs.20,00,000 and over Rs.20,00,000 at the rate of Rs.500 for every Rs.1,00,000 or part thereof, upto a maximum fee of Rs.75,000, for example

Rs.	Rs.
100000	5950
200000	7950
300000	9950
400000	11950
500000	13950
600000	15950
700000	17950
800000	19950
900000	21950
1000000	23950
1100000	25150
1200000	26350
1300000	27550
1400000	28750
1500000	29950
1600000	31150
1700000	32350
1800000	33550
1900000	34750
2000000	35950
2100000	36450
2200000	36950

**SCHEDULE II**  
**Fixed Fees**

Nature of proceeding 1	Description 2	Fees 3
1. Application or petition.	<p>(a) When presented to any officer of the Excise Department or to any Magistrate by any person having dealings with the Government, and when the subject matter of such application relates exclusively to those dealings;</p> <p>or when presented to any officer of land-revenue by any person holding temporarily settled land under direct engagement with Government, and when the subject matter of the application or petition relates exclusively to such engagement;</p> <p>or when presented to any Municipal Commissioner under any Act for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement;</p> <p>Or when presented to any Civil Court other than a principal Civil Court of original jurisdiction; or to any Court of Small Causes or to a Collector or other officer of revenue or to a public officer in relation to any suit or case in which the amount of value of the subject matter is less than fifty rupees, not being an application for assistance under section 86 of the Bombay Land Revenue Code, 1879 or under any corresponding law for the time being in force;</p> <p>or when presented to any Civil Criminal or Revenue Court, or to any Board or executive officer for the purpose of obtaining a copy of translation of any judgment, decree or order passed by such Court, Board or Officer, or of any other document on record in such Court or office;</p>	Three rupees

Bom. V  
of 1879.

- (b) when presented to a Collector or other officer of revenue for assistance under section 86 of the Bombay Land Revenue Code, 1879 or under any corresponding law for the time being in force; Ten rupees.
- (c) when containing a complaint or charge of any offence and presented to any Criminal Court; Three rupees.
- or when presented to a Civil, Criminal or Revenue Court, or to a Collector or any Revenue Officer or to a public officer having jurisdiction equal or subordinate to be Collector, or to any Magistrate in his executive capacity and not otherwise provided for by this Act;
- or to deposit in court revenue or rent;
- or for determination by a Court of the amount of compensation to be paid by a landlord to his tenant;
- (d) when presented to any competent authority for the purpose of obtaining a certificate of domicile; Ten rupees.
- (e) when presented to a Chief Controlling Revenue Authority or Executive Authority or to a Commissioner of Revenue or to any Chief Officer charged with the executive administration of a division and not otherwise provided for by this Act; Twenty-five rupees.
- (f) when presented to the High Court---
- (i) for directions, orders or writs under article 226 of the Constitution of India for any purpose other than the enforcement of the fundamental rights conferred by Part III thereof; One hundred rupees.
- (ii) for directions, orders or writs under article 226 for the



enforcement of any of the fundamental rights conferred by Part III of the Constitution or for the exercise of its jurisdiction under article 227 thereof;

(iii) in any other case not otherwise provided for by this Act. Twenty rupees.

5 of 1908.

- |    |   |   |  |
|----|---|---|--|
| 2. | Revision application when presented to the High Court under section 115 of the Code of Civil Procedure, 1908 or against the order of the court of Small Causes.   | .....   | Fifty rupees.  |
| 3. | Application to any civil court that records may be called for from another court.   | When the Court grants the application and is of opinion that the transmission of such records involves the use of the post. | Five rupees in addition to any fee levied on the application under clause (a), clause (c) or clause (f) of Article 1 of this Schedule. |
| 4. | First application (other than a petition containing a criminal charge or information) for the summons of a witness or other person to attend either to give evidence or to produce a document, or in respect of the production or filing of an exhibit not being an affidavit for the immediate purpose of being produced in court. | .....   | Two rupees.  |
| 5. | Application for leave to sue as a pauper.   | .....   | Five rupees.   |

- |     |   |   |                |                                    |
|-----|---|---|----------------|------------------------------------|
| 6.  | Application for leave to appeal as a pauper.  | (a) When presented to a District Court.                 | Ten rupees.    |                                    |
|     |   | (b) When presented to a Commissioner or the High Court. | Twenty rupees. |                                    |
| 7.  | Plaint or memorandum of appeal in a suit to obtain possession under the Mamlatdars' Courts Act, 1906.   | .....   | Ten rupees.    | Bom.<br>II of<br>1906.             |
| 8.  | Plaint or memorandum of appeal in a suit to establish or disprove a right of occupancy.   | .....   | Ten rupees.    |                                    |
| 9.  | Bail-bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, 1973, other than section 109 or 110 thereof or under the Code of Civil Procedure, 1908, and not otherwise provided for by this Act. | ...   | Five rupees.   | 2 of<br>1974.<br><br>5 of<br>1908. |
| 10. | Bail-bonds in criminal cases, recognizance to prosecute and recognisances for personal appearance or otherwise.   |   | Two rupees.    |                                    |
| 11. | Undertaking under section 49 of the Divorce Act, 1869.  | .....   | Five rupees.   | 4 of<br>1869.                      |

12. *Mukhtarnama* or *Wakalatnama*. When presented for the conduct of any one case,-
- (a) to any Civil or Criminal Court other than a District Court or Court of Session or the High Court or to any Revenue Court or to any Collector or Magistrate or other executive officer; Two rupees.
  - (b) to a District Court or Court of Session ; Three rupees.
  - (c) to the High Court. Five rupees.
13. Memorandum of appeal when the appeal is not from a decree or an order having the force of a decree, and is presented -
- (a) to any civil court other than the High Court or to any revenue Court or Executive Officer other than the High Court or Chief Controlling Revenue Authority or Executive Authority; Two rupees.
  - (b) to the Chief Controlling Executive or Revenue Authority; Five rupees.
  - (c) to the High Court. Ten rupees.
14. *Caveat*
- When the amount or value of the property involved does not exceed two thousand rupees. Twenty rupees.
- When the amount or value of the property involved exceeds two thousand rupees. Fifty rupees.
15. Application for permission to cut timber in Government forests, or otherwise relating to such forests. .... Five rupees.
16. Memorandum of appeal presented to -
- (a) the State Government, ..... Ten rupees.
  - (b) any Forest officer, where such appeal is provided for, by or under the Forest Act, 1927 or any ..... Five rupees.



corresponding law in  
force.

- |     |  |       |   |                                 |
|-----|--|-------|---|---------------------------------|
| 17. | Petition in a suit<br>under the Converts'<br>Marriage Dissolution<br>Act, 1866.  | ..... | Fifty rupees  | 21 of<br>1866.                  |
| 18. | Application –  |       |   |                                 |
|     | (a) under section<br>8 of the Arbitration<br>and Conciliation Act,<br>1996;  | ....  | One hundred<br>rupees.  | 26 of<br>1996.                  |
|     | (b) for probate or<br>letters of<br>administration or for<br>revocation thereof<br>under the Succession<br>Act, 1925;  |       | When the amount or value of<br>the estate does not exceed<br>two thousand rupees. | 20<br>rupees.<br>39 of<br>1925. |
|     | (c) for a<br>certificate under Part<br>X of the Succession<br>Act, 1925, or Bombay<br>Regulation VIII of<br>1827 or any<br>corresponding law for<br>the time being in<br>force;    |       | *When it exceeds two<br>thousand rupees,  | Forty rupees.<br>39 of<br>1925. |
|     | (d) for opinion or<br>advice or for<br>discharge from a<br>Trust, or for<br>appointment of new<br>trustees under section<br>34, 72, 73 or 74 of the<br>Indian Trusts Act,<br>1882; | ..... | Fifty rupees.   | 2 of<br>1882.                   |
|     | (e) under rule 58<br>of Order XXI of the<br>Code of Civil<br>Procedure, 1908,<br>regarding a claim to<br>attached property.  |       | When the amount or value of the<br>property exceeds five hundred rupees.          | Fifty rupees.<br>5 of<br>1908.  |

- |  |   |                   |  |
|--|---|-------------------|--|
| 5 of 1908.                               | 19. Agreement in writing stating a question for the opinion of the court under the Code of Civil Procedure, 1908.   | .....             | Fifty rupees.  |
| 4 of 1869.                               | 20. Every petition under the Divorce Act, 1869, except petitions under section 44 of that Act and every memorandum of appeal under section 55 of that Act.  | .....             | Fifty rupees.  |
| 3 of 1936.<br>43 of 1954.<br>25 of 1955. | 21. Complaint, application, petition, or memorandum of appeal under the Parsi Marriage and Divorce Act, 1936, the Special Marriage Act, 1954 or the Hindu Marriage Act, 1955 :<br><br>Provided that where in addition to divorce damages are claimed. | ....<br><br>..... | Fifty rupees.<br><br>A fee as above plus a fee on the amount of damages claimed according to the scale prescribed under Article 1 of Schedule I. |
| 15 of 1872.                              | 22. Petitions under sections 45 and 48 of the Christian Marriage Act, 1872.   | .....             | Fifty rupees.  |
|  | 23. Complaint, petition or application (including memorandum of appeal) which is capable of being treated as a suit —   |                   |  |

	(a) for annulment of marriage;	.....	Fifty rupees.
	(b) for dissolution of marriage;	.....	Fifty rupees.
	(c) in suit for custody of minor;	.....	Twenty rupees.
	(d) for restitution of conjugal rights;	.....	Fifty rupees.
	(e) for judicial separation ;	.....	Fifty rupees.
	(f) in or to any civil court not otherwise provided for and the subject matter of which is not capable of being estimated in money value.	.....	One hundred rupees.
24.	Copy or translation of a judgement or order not being, or having the force, of a decree.	When such judgement or order is given or made by any civil court or by any revenue court.	Two rupees.
		When such judgement or order is given or made by the High Court.	Five rupees.
25.	Copy of a decree or Order having the force of a decree.	When such decree or order is made by any civil court or by any Revenue Court;	Five rupees.
		When such decree or order is made by the District Court.	Ten rupees.
		When such decree or order is made by the High Court.	Fifteen rupees.
26.	Copy of any document (including power of attorney) liable to stamp duty under the Bombay Stamp Act, 1958, or the Stamp	(a) When the stamp duty chargeable on the original does not exceed one rupee.	The amount of the duty chargeable on the original.
		(b) In any other case.	Ten rupees.



2 of  
1899.

Act, 1899 or any  
corresponding law in  
force, as the case  
may be, when left by  
any party to a suit or  
proceeding in place  
of the original  
withdrawn.

27. Copy of any revenue For every three hundred and sixty Two rupees.  
or judicial words or fraction thereof.  
proceeding or order  
not otherwise  
provided for by this  
Act, or copy of any  
account, statement,  
report or the like,  
taken out of any  
civil or criminal or  
Revenue Court or  
office, or from the  
office of any Chief  
Officer charged with  
the executive  
administration  
of a division.

Bom. 31 of  
1947.

28. Application made ..... Ten rupees.  
under the Bombay  
Money- Lenders Act,  
1946 or under any  
corresponding law in  
force.

29. Application presented .... Five rupees.  
to any Registration  
officer for search of  
registration records.

16 of 1908.

30. Appeal or application to ..... Five rupees.  
the Registrar under  
section 72 or 73, as the  
case may be, of the  
Registration Act,  
1908.

31. Application for a licence under sub-clause (i) of clause (w) of sub-section(1) of section 33 of the Bombay Police Act, 1951, or any corresponding law in force. .... Five rupees. Bom. 22 of 1951.
32. Application or appeal to the Regional or State Transport Authority or the State Government under Chapter V of the Motor Vehicles Act, 1988. .... Ten rupees. 59 of 1988.
33. Election petition questioning the election of a person in respect of the office –
- (a) of *Sarpanch* or *Upa-Sarpanch* or member of a Panchayat; .... Fifty rupees.
- (b) of Councilor or member of a Municipality, District Local Board or such other Local Authority; .... One hundred rupees.
- (c) of Mayor or Deputy Mayor or councilor of a Municipal Corporation or President, Vice-President, Chairman or Vice-Chairman or any local authority referred to in clause (b). .... Five hundred rupees.

1 of 1956.	34. Application or petition to the Court under section 391, 439 or 522 of the Companies Act, 1956.	.....	One hundred rupees.
	Any other application or petition to the court for judicial action or relief under the said Act, not otherwise provided for under this Act.	.....	Fifty rupees.
	35. Application –		
	(a) for order of arrest or attachment before judgement or for temporary injunction;	.....	Ten rupees.
	(b) for compensation for arrest or attachment before judgement or in respect of temporary injunction obtained on insufficient grounds;	.....	Ten rupees.
	(c) for the appointment of a receiver in a case in which the applicant has no present right of possession of the property in dispute;	.....	Ten rupees.
	(d) for setting aside decree passed <i>ex- parte</i> or for review of order	.....	Ten rupees.



- |  |       |                        |                |
|--|-------|------------------------|----------------|
| dismissing<br>suit for default.  | ..... | Twenty rupees.         |                |
| 36. Appeal or application<br>to the Co-operative<br>Tribunal.  | ..... | Twenty rupees.         | 2 of 1974.     |
| 37. Application made by a<br>party to the Magistrate<br>under section 145 of<br>the Code of Criminal<br>Procedure, 1973. | ..... | Twenty-five<br>rupees. | 25 of<br>1961. |
| 38. Application for<br>enrolment under the<br>Advocates Act, 1961.   | ..... | Two rupees.            |                |
| 39. Application for<br>adjournment presented<br>to the court in any<br>proceedings.                                      | ..... |                        |                |

### SCHEDULE III

(See section 29)

***Form of valuation (to be used with such modifications, if any, as may be necessary).***

IN THE COURT OF  
RE-PROBATE of the Will of  
the property and credits of

(or Administration of  
,) deceased.

I,

solemnly affirm  
make oath

and say that I am the executor (or one of the executors or one of the next of kin) of  
....., deceased, and that I  
have truly set forth in Annexure A to this affidavit all the property and credit of  
which the above named deceased died possessed or was entitled to at the time of his  
death, and which have come, or are likely to come, to my hands.

2. I further say that I have also truly set forth in Annexure B all the items I  
am by law allowed to deduct.

3. I further say that the said assets, exclusive only of such last mentioned items but inclusive of all rents, interest, dividends and increased values since the date of the death of the said deceased, are under the value of -

### ANNEXURE A

### VALUATION OF THE MOVEABLE AND IMMOVEABLE PROPERTY OF THE DECEASED

Rs. .

Cash in the house and at the banks, •  
household goods, wearing apparel, books, ... ..  
plate, jewels, etc.

*(State estimated value according to best of  
Executor's or Administrator's belief).*

Property in Government securities transferable ... ..  
at the Public Debt Office.

*(State description and value at the price of  
the day; also the interest separately,  
calculating it to the time of making the application).*

Immoveable property consisting of .. ..

*(State description, giving, in the case of  
houses the assessed value, if any, and  
the number of years' assessment the  
market-value is estimated at, and in  
the case of land, the area, the market  
-value and all rents that have accrued).*

Leasehold property .. ...

*(If the deceased held any leases for years  
determinable, state the number of years'  
purchase the profit rents are estimated to  
be worth and the value of such, inserting  
separately arrears due at the date of death  
and all rents received or due since that date  
to the time of making the application).*

Property in public companies .. ..

*(State the particulars and the value calculated at the price of the day; also the interest separately, calculating it to the time of making the application).*

Policy of insurance upon life, money out on mortgage and other securities, such as bonds, mortgages, bills, notes and other securities for money .. .. .

*(State the amount of the whole; also the interest separately, calculating it to the time of making the application).*

Books-debts .. .. .  
(other than bad).

Stock-in-trade .. .. .  
*(State the estimated value, if any).*

Other property not comprised under the foregoing heads .. .. .  
*(State the estimated value, if any).*

Total :

Deduct amount shown in Annexure B not subject to duty .. .. .

Net Total : .. .. .

## ANNEXURE B

### SCHEDULE OF DEBTS, ETC.

Rs.

Amount of debts due and owing from the deceased, payable by law out of the estate .. .. .

Amount of funeral expenses .. .. .

Amount of mortgage incumbrances .. .. .

Property held in trust not beneficially or with general power to confer a beneficial interest .. .. .

Other property not subject to duty .... .. .

Total : .. .. .



**STATEMENT OF OBJECTS AND REASONS**

The Bombay Court-Fees Act, 1959 was applicable in the re-organised Bombay State. The said Act was adapted by the State of Gujarat on its formation on the 1<sup>st</sup> May, 1960. With a view to carrying out the intention of the Government to have its own law for the State of Gujarat, it is considered necessary to enact the law relating to fees taken in the courts and public offices in the State and the fees taken in respect of certain matters, by replacing the said Bombay Act.

The following notes on clauses explain the important provisions of the Bill :-

*Clause 2.-* This clause defines certain terms used in the Bill.

*Clause 3.-* This clause provides for fees payable to the clerks and officers of the High Court as specified in the Second Schedule.

*Clause 4.-* This clause provides for the fees on documents filed in the court or in public office as specified in the First Schedule or in the Second Schedule.

*Clause 5.-* This clause provides for the procedure in case of difference arising in respect of fees between the officer and any suitor or attorney.

*Clause 6.-* This clause provides for computation of fees payable in certain suits including the suits relating to moveable and immoveable property.

*Clause 7.-* This clause provides for fees payable on memorandum of appeal against the order relating to the compensation under any Act.

*Clause 8.-* This clause provides for inquiry for determination of valuation of the suit.

*Clause 9.-* This clause empowers the court to depute a person or issue a commission for investigation so as to ascertain proper valuation of the subject matter.

*Clause 10.* This clause provides for the powers of the person making inquiry or investigation in respect of matters specified therein.

*Clause 11.-* This clause empowers the court to pass order to pay the cost of the inquiry in case of under value of the suit or to refund the excess fee.

*Clause 12.-* This clause empowers the State Government to appoint Inspecting Officer and also provides for the powers of the Inspecting Officers and Presiding Officers in respect of determining the amount of fee payable under the Act.

*Clause 13.-* This clause provides for charging of court-fees in the case of difference and its recovery as arrears of land revenue.

*Clause 14.-* This clause provides that the valuation of court-fees shall be decided by the court in which plaint or memorandum has been filed.

*Clauses 15, 16 and 17.-* These clauses provide for refund of fees paid on memorandum of appeal or of the application for review of judgement or modification of decision.

*Clause 18.-* This clause provides for fees chargeable on multifarious suits or appeals.

*Clause 19.-* This clause provides for payment of fees to the complainant in the circumstances mentioned therein.

*Clause 20.-* This clause provides for exemption of certain documents mentioned therein.

*Clause 21.-* This clause empowers the authority to grant relief where high a court-fee has been paid on probate of a will or letters of administration.

*Clause 22.-* This clause empowers the authority to grant relief in court-fees when debt due from the deceased person has been paid out of his estate.

*Clause 23.-* This clause empowers the authority to grant relief in case of several grants of the same estate.

*Clause 24.-* This clause provides that the probate shall be valid as to the trust property eventhough the value of the estate has not been taken into consideration while determining the court-fees.

*Clause 25.-* This clause provides for the procedure in case of lower court-fees has been paid on probates etc.



*Clause 26.-* This clause provides for obtaining security before letter of administration is granted where low court-fees has been paid.

*Clause 27.-* This clause provides for making up the court-fees where low court-fees has been paid on probate or letter of administration.

*Clause 28.-* This clause provides for application for probate or letter of administration and procedure for valuation thereof.

*Clause 29.-* This clause provides for payment of court-fees set out in the Third Schedule on the probate and letters of administration.

*Clause 30.-* This clause provides for recovery of court-fees and penalties etc. as an arrears of land revenue.

*Clause 31.-* This clause provides that the provisions of sections 4 and 40 shall apply to the probates and letters of administration.

*Clause 32.-* This clause empowers the High Court to make rules in respect of the matters specified therein.

*Clause 33.-* This clause provides that the table of fees chargeable for service and execution shall be displayed in a conspicuous part of the court.

*Clauses 34 and 35.-* These clauses provide for the peons and persons to be employed for the purpose of service and execution of processes issued by the court.

*Clause 36.-* This clause provides that the fees shall be charged at the rate prevailing on the date when document is presented.

*Clauses 37 and 38.-* These clauses provide that the fees chargeable shall be collected by stamps and such stamps may be either impressed or adhesive or both.

*Clause 39.-* This clause empowers the State Government to make rules for regulating the matters provided therein.

*Clause 40.-* This clause provides that no document without being properly stamped is valid.

*Clause 41.-* This clause provides that when document is amended to correct a mistake no fresh stamp to be imposed.

*Clause 42.-* This clause provides for cancellation of the stamp.



*Clause 43.-* This clause provides for re-payment of fees in the circumstances mentioned therein.

*Clause 44.-* This clause provides for admissibility of documents in criminal cases in which proper fee has not been paid.

*Clause 45.-* This clause empowers the State Government to make rules for regulating the sale of stamps.

*Clause 46.-* This clause empowers the State Government to reduce or remit the fees chargeable under the First Schedule and the Second Schedule.

*Clause 47 and 48.-* These clauses provide that nothing in provisions of Chapters II and IV and the provisions of other laws shall be affected by the provisions of this Act.

*Clause 49.-* This clause provides for repeal of the Bombay Court-Fees Act, 1959.

*Clause 50.-* This clause provides for amendment in the Suits Valuation Act, 1887.

*Clause 51.-* This clause provides for laying of rules before the State Legislature.

**ASHOK BHATT**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves delegation of legislative powers in the following respects:-

*Clause 1.-* Sub-clause (3) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

*Clause 2.-* (i) Sub-clause (a) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, an officer to be the Chief Controlling Revenue Authority for whole or any part of the State;

(ii) sub-clause (b) of this clause empowers the Chief Controlling Revenue Authority to authorise an officer to perform the functions of a Collector.

*Clause 5.-* (i) Sub-clause (1) of this clause empowers the State Government and the Chief Justice of High Court to appoint either generally or specially an officer for the purpose of making application under this sub-clause. It also empowers the Chief Justice to declare the Taxing Officer;

(ii) sub-clause (2) of this clause empowers the State Government and the Principal Judge of the Ahmedabad City Civil Court to appoint either generally or specially an officer for the purpose of making an application under this sub-clause.

*Clause 12.-* Sub-clause (1) of this clause empowers the State Government to appoint generally or any specified class of cases, one or more officers to be the Inspecting Officers.

*Clause 32.-* This clause empowers the High Court to make, by notification in the *Official Gazette*, rules in respect of matters specified therein.

*Clause 37.-* This clause empowers the State Government and the Collector, to specify the area and the duration for the purpose of the payment of fees in cash when such fees cannot be paid by means of stamp on account of temporary shortage of stamps.

*Clause 38.-* This clause empowers the State Government to direct, by notification in the *Official Gazette*, the affixing of stamp either impressed or adhesive or both.

*Clause 39.-* This clause empowers the State Government to make, by notification in the *Official Gazette*, rules for regulating the matters specified therein.

*Clause 43.-* Sub-clause (2) of this clause empowers the State Government to prescribe by order, the manner for re-payment of fees and the conditions for such repayment.

*Clause 45.-* This clause empowers the State Government to make, by notification in the *official Gazette*, rules for regulating the sale of stamps to be used under the Act.

*Clause 46.-* This clause empowers the State Government to reduce or remit, by notification in the *Official Gazette*, the fees payable under the First Schedule and the Second Schedule.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Gandhinagar,  
Dated the 17<sup>th</sup> February, 2004.

**ASHOK BHATT.**

By order and in the name of the Governor of Gujarat,

**S.S. PARMAR,**  
Gandhinagar, Secretary to the Government of Gujarat,  
Dated the 17<sup>th</sup> February, 2004. Legislative and Parliamentary Affairs Department.

Government Central Press, Gandhinagar.





# The Gujarat Government Gazette

## EXTRAORDINARY

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Separate paging is given to this Part in order that it  
may be filed as a Separate Compilation.

### PART - V

#### Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bills published with the consent of the Speaker given under the proviso to rule 127A the Gujarat Legislative Assembly Rules:-

#### THE GUJARAT AGRICULTURAL UNIVERSITIES BILL, 2004.

#### GUJARAT BILL NO. 5 OF 2004.

#### A BILL

*to establish and incorporate teaching and affiliating Universities for imparting education in agriculture and allied sciences in the State of Gujarat to be known as the Anand Agricultural University, the Junagadh Agricultural University, the Navsari Agricultural University and the Sardar Krushinagar Dantiwada Agricultural University.*

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows:-

#### CHAPTER I PRELIMINARY

1. (1) This Act may be called the Gujarat Agricultural Universities Act, 2004. Short title and commencement.
- (2) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different provisions of the Act and any reference in any such provision to the date of the commencement of this Act shall be construed as the reference to the date of coming into force of that provision.

## Definitions.

2. In this Act, unless the context otherwise requires,-

- (1) "Academic Council" means the Academic Council of the University;
- (2) "agriculture" means the basic and applied sciences relating to soil and water management, crop production (including production of all garden crops and control of plants, pests and diseases), horticulture, animal husbandry including veterinary and dairy science, fisheries, forestry including farm forestry, land use and management and economics, co-operation, processing and marketing relating to agriculture;
- (3) "affiliated college" means a college affiliated under section 31;
- (4) "Board" means the Board of Management constituted under section 18;
- (5) "college" means—
  - (i) a constituent college of the University under the control and management of a principal, located in the University area; or
  - (ii) an affiliated college which is authorised to submit its students to an examination qualifying for any degree of the University;
- (6) "constituent college" means a University college;
- (7) "department" means a department designated as such by Statutes with reference to a subject or group of subjects;
- (8) "extension education" means the educational activities concerned with the training of farmers and homemakers and other groups serving agriculture, in improved agricultural practices and the various phases of scientific technology related to agriculture and agricultural production and marketing;
- (9) "Head of Department" means a teacher principally responsible for imparting education in agriculture and allied sciences or conducting and guiding research in agriculture or conducting and guiding programmes of extension education in a department;
- (10) "hostel" means a unit of residence for students maintained or recognised by the University;

- (11) "prescribed" means prescribed by Statutes;
- (12) "principal" means the Head of a college;
- (13) "recognised institution" means an institution for research in agriculture or extension education other than an affiliated college;
- (14) "registered graduate" means a graduate registered under the provisions of this Act;
- (15) "Statutes" and "Regulations" mean respectively the Statutes and Regulations of the University made under this Act;
- (16) "student of the University" means a person enrolled in the University for studying for a degree, diploma or other academic distinction;
- (17) "teachers" means professors, associate professors, assistant professors and such other persons imparting education in agriculture and allied sciences or conducting and guiding research in agriculture or conducting and guiding programmes of extension education;
- (18) "teachers of University" means teachers appointed or recognised by the University for imparting education in agriculture and allied sciences or conducting and guiding research in agriculture or conducting and guiding programmes of extension education;
- (19) "University" means the University constituted under section 3 of this Act;
- (20) "University area" means the area of the Anand Agricultural University, the Junagadh Agricultural University, the Navsari Agricultural University and the Sardar Krushinagar Dantiwada Agricultural University respectively specified in Part I, II, III and IV of Schedule I;
- (21) "University college" means a college which the University may establish or maintain under this Act;
- (22) "University Department" means any college or Department maintained by the University.



## CHAPTER II UNIVERSITIES

### Incorporation of Universities.

3. (1)(a) The Chancellor, the first Vice-Chancellor and the first members of the Board of Management and the Academic Council of the Anand Agricultural University and all persons, who may hereafter become such officers or members so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "the Anand Agricultural University".
- (b) The Chancellor, the first Vice-Chancellor and the first members of the Board of Management and the Academic Council of the Junagadh Agricultural University and all persons, who may hereafter become such officers or members so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "the Junagadh Agricultural University".
- (c) The Chancellor, the first Vice-Chancellor and the first members of the Board of Management and the Academic Council of the Navsari Agricultural University and all persons, who may hereafter become such officers or members so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "the Navsari Agricultural University".
- (d) The Chancellor, the first Vice-Chancellor and the first members of the Board of Management and the Academic Council of the Sardar Krushinagar Dantiwada Agricultural University and all persons, who may hereafter become such officers or members so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "the Sardar Krushinagar Dantiwada Agricultural University".
- (2) The University shall have perpetual succession and a common seal, and shall sue and be sued by the said name.
- (3) The University shall be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property which may vest in or be acquired by it for the purpose of the University, to raise loans on the securities of its assets and to contract and do all other things necessary for the purpose of this Act:

Provided that the power to raise any such loan shall be exercised after obtaining previous permission of the State Government.

## (4) The headquarters of—

(a) the Anand Agricultural University shall be at Anand;

(b) the Junagadh Agricultural University shall be at Junagadh;

(c) the Navsari Agricultural University shall be at Navsari; and

(d) the Sardar Krushinagar Dantiwada Agricultural University shall be at Dantiwada.

4. (1) With respect to teaching of agriculture and allied sciences at the University or college level and research and extension education programme in the field of agriculture, the territorial jurisdiction and responsibility of the University shall extend to the University area. **Territorial jurisdiction.**

(2) The University may assume responsibility for the establishment and maintenance of all institutions imparting terminal training including training of field extension staff such as State agricultural schools, Gramsevak training centers and stockmen training classes, at all levels of education in agriculture.

(3) All colleges, research and experimental stations or other institutions coming under the jurisdiction and authority of the University shall consist of constituent units of the University under the management and control of the University.

(4) No educational institution imparting education in agriculture and allied sciences or conducting and guiding research in agriculture or conducting and guiding programmes of extension education and situate within the University area shall, save with the consent of the University and the sanction of the State Government, be associated in any way with, or seek admission to any of the privileges of, any other University established by law.

5. (1) No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma or other academic distinction or course of study on the grounds only of religion, race, creed, caste, language, sex, place of birth, class or profession of political or other opinion or any of them. **University open to all irrespective of sex, religion, class, creed or opinion.**

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to religious belief, race, creed, caste, language, sex, place of birth, class or profession of political or other opinion in order to entitle him to be admitted as a teacher or a student of the University or to hold any office or post in the University or to qualify for any degree, diploma or other academic distinction or to



enjoy or exercise any privileges of the University or any benefaction thereof.

(3) Subject to the provisions contained in sub-sections (1) and (2), the State Government may direct that the University shall reserve for any Socially and Educationally Backward Classes of citizens or for the Scheduled Castes or the Scheduled Tribes or for citizens from any other State in India, seats for the purposes of admission as students in any college:

Provided that nothing in this section shall require the University to admit to any course of study, students exceeding a prescribed number or possessing academic or other qualification lower than that prescribed.

**Powers of  
University.**

6. The University shall have the following powers, namely:--

- (1) to provide for education and instruction in agriculture and allied sciences and in such other branches of learning as the University may deem fit;
- (2) to make provision for research in agriculture and allied branches of learning;
- (3) to make provision for dissemination of the findings of research and technical information through extension education programmes;
- (4) to make such provision which would enable affiliated colleges and recognised institutions to undertake specialisation of studies;
- (5) to institute degrees, diplomas and other academic distinctions;
- (6) to lay down courses of study and instruction for various examinations;
- (7) to hold examinations and confer degrees, diplomas and other academic distinctions and grant certificates to persons who—
  - (a) have pursued approved courses of study in the University or in a college unless exempted therefrom, in the manner prescribed and have passed the examinations prescribed by the University, or
  - (b) have carried on research under conditions prescribed;



- (8) to withdraw or cancel any degree, diploma or certificate conferred or granted by the University in such manner as may be prescribed;
- (9) to confer honorary degrees and other distinctions in the manner prescribed;
- (10) to provide lectures, instructions and training to persons who are not enrolled students of the University and to grant such certificates to them as may be prescribed;
- (11) to co-operate with any other University or authority in such manner and for such purpose as the University may determine;
- (12) to establish and maintain colleges for imparting education in agriculture and allied sciences;
- (13) to establish and maintain laboratories, libraries, research stations and institutions and museums for teaching, research and extension education;
- (14) to create such teaching, administrative and other posts as the University may deem necessary from time to time and make appointments thereto;
- (15) to institute and award fellowships, scholarships and prizes in accordance with the Statutes;
- (16) to associate or admit educational institutions imparting education in agriculture and allied sciences with, or to the privileges of the University by way of affiliation or recognition;
- (17) to withdraw or modify, either in whole or part, affiliation or recognition of educational institutions;
- (18) to inspect colleges and recognised institutions and to take measures to ensure that proper standards of instruction, teaching and training are maintained in them and that adequate library and laboratory provisions are made therein;
- (19) to lay down and regulate the salary scales, allowances and other conditions of service of the members of the teaching, other academic and non-teaching staff of the University;
- (20) to lay down and regulate the salary scales, allowances and other conditions of service of the members of the teaching, other academic and non-teaching staff in the affiliated colleges and recognised institutions;

- (21) (a) to control and co-ordinate the activities of, and to give financial aid to, affiliated colleges and recognised institutions; and
- (b) to regulate fees to be paid by the students in affiliated colleges and recognised institutions;
- (22) to institute and maintain residential accommodation for students and staff of the University;
- (23) to fix, demand and receive or recover such fees and other charges as may be prescribed;
- (24) to supervise, regulate and control the residence, conduct and discipline of the students of the University, and to make arrangements for promoting their health and general welfare;
- (25) to conduct, co-ordinate, supervise, regulate and control post-graduate teaching and research work in the University departments and affiliated colleges and recognised institutions;
- (26) to co-ordinate, supervise, regulate and control conduct of undergraduate teaching and instruction in the affiliated colleges and to undertake the same in University colleges;
- (27) to make special provision for agricultural education, research and extension in relation to arid areas and areas prone to scarcity in the University area;
- (28) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University.

**Inspection and inquiry.**

- 7. (1) The Chancellor shall have the right to cause an inspection to be made by such person or persons, as he may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipment of any institution, college or hostel maintained, recognised or approved by, the University, of the teaching and other work conducted by the University or under its auspices and of the conduct of examinations held by the University and to cause an inquiry to be made in respect of any matter connected with the University.
- (2) The Chancellor shall, in every case inform the University, in writing, of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to be represented thereat.



- (3) The Chancellor shall communicate to the University his views with reference to the results of such inspection or inquiry, and shall, after ascertaining the opinion thereon of the University, advise the University upon the action to be taken.
- (4) (a) The University shall report to the Chancellor such action, if any, as it has taken or may propose to take on the advice tendered by the Chancellor.
- (b) Such report shall be submitted with the opinion of the University thereon and within such time as the Chancellor may direct.
- (5) Where the University does not, within a reasonable time, take action or takes action which is not satisfactory to the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the University, issue such directions as he may think fit and the University shall comply with such direction.

### CHAPTER III OFFICERS OF THE UNIVERSITY

8. The following shall be the officers of the University, namely:-

Officers of  
University.

- (i) the Chancellor,
- (ii) the Vice-Chancellor,
- (iii) the Director of Research and Dean of Post-graduate Studies,
- (iv) the Deans of Faculties,
- (v) the Director of Extension Education,
- (vi) the Registrar,
- (vii) the Accounts Officer,
- (viii) the Librarian, and
- (ix) such other officers in the service of the University as may be declared by the Statutes to be the officers of the University.

9. (1) The Governor of the State shall be the Chancellor of the University. Chancellor.

- (2) The Chancellor shall, by virtue of his office, be the Head of the University and shall, when present, preside at any convocation of the University.

- (3) Every proposal to confer an honorary degree shall be subject to the confirmation of the Chancellor.

- (4) The Chancellor shall exercise such other powers as may be conferred on him by this Act or the Statutes.



- Vice-Chancellor.** 10. (1) (a) The Vice-Chancellor shall be a whole time officer of the University and shall be appointed by the Chancellor in consultation with the State Government from amongst three persons recommended under sub-section (3) by a committee appointed for the purpose under sub-section (2).
- (b) A person, who possesses adequate knowledge in the subjects of agriculture and allied sciences and has not attained the age of more than sixty-five years on the date of appointment shall, subject to the provisions of sub-section (7), be eligible for being appointed as a Vice-Chancellor.
- (2) (a) For the purposes of sub-section (1), the Chancellor shall appoint a committee which shall consist of the following members, namely:--
- (i) two members (not being persons connected with the University or with any college) out of whom one shall be a person nominated in the manner prescribed by the Statutes by the Board of Management and the Academic Council jointly and the other shall be a person nominated in the manner prescribed by the Statutes by the Vice-Chancellors of all the Agricultural Universities established by law in the State of Gujarat;
- (ii) one member to be nominated by the Chancellor;
- (iii) one member to be nominated by the Indian Council of Agricultural Research.
- (b) The Chancellor shall appoint one of the four members of the committee as its Chairman.
- (3) The Committee so appointed shall, within such time and in such manner as may be prescribed by the Statutes, select three persons who possess the qualifications mentioned in clause (b) of sub-section (1) and who are not disqualified under sub-section (7) and whom it considers fit for being appointed as Vice-Chancellor and shall recommend to the Chancellor the names of the persons so selected together with such other particulars as may be prescribed by the Statutes.
- (4) The Vice-Chancellor shall hold office for a term of five years from the date he enters upon his office and shall not be eligible for reappointment to that office after the expiry of the term of his office:

Provided that—

- (a) no person appointed as the Vice-Chancellor shall continue to hold his office as such after he attains the age of sixty-five years;
- (b) the Vice-Chancellor may, by writing under his hand addressed to the Chancellor, resign his office.

(5) The emoluments and other terms and conditions of service of the Vice-Chancellor shall be such as may be prescribed and shall not be varied to his disadvantage during his tenure of office without his consent.

- (6) (a) During the leave or absence of the Vice-Chancellor, or
- (b) in the event of a vacancy in the office of the Vice-Chancellor, until an appointment is made under sub-section (1) to that office,

the Director of Research and Dean of Post-graduate Studies or, in his absence, one of the Deans of Faculties nominated by the Chancellor for the purpose shall carry on the current duties of the office of the Vice-Chancellor.

(7) A person shall be disqualified for being appointed as, or for being, a Vice-Chancellor—

- (i) if he is a Member of the Parliament or of any State Legislature or of any local authority, or
- (ii) if he is a member of a political party, or
- (iii) if he is or any time has been adjudged an insolvent or he has suspended payment of his debts or has compounded with his creditors, or
- (iv) if he is of unsound mind or stands so declared by a competent court, or
- (v) if he is or has been convicted of an offence, which in the opinion of the Chancellor, involves moral turpitude.

(8) Notwithstanding anything contained in sub-section (4), the Chancellor may at any time remove the Vice-Chancellor from office if, in his opinion, the Vice-Chancellor —

- (a) is or has been subject to any of the disqualifications mentioned in sub-section (7), or
- (b) has been guilty of misconduct in discharge of his duties, or

- (c) has become physically or mentally incapable of discharging his duties as a Vice-Chancellor, or
- (d) has abused his position as to render his continuance in office prejudicial to public interest, or
- (e) has, without reasonable cause, refused or failed to perform his duties for a period of not less than three months:

Provided that a Vice-Chancellor shall not be removed from his office unless an opportunity of being heard is given to him.

**Powers of  
Vice-Chancellor.**

11. (1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall, in absence of the Chancellor, preside at any convocation of the University. He shall be an *ex-officio* member and Chairman of the Board and of the Academic Council.
- (2) The Vice-Chancellor shall exercise general control over the affairs of the University and shall be responsible for the maintenance of discipline in the University.
- (3) (a) The Vice-Chancellor shall have power to convene meetings of the Board and the Academic Council.  
(b) He may delegate the power under clause (a) to any other officer of the University.
- (4) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act, the Statutes and regulations are faithfully observed and he shall have all the powers necessary for the purpose.
- (5) The Vice-Chancellor shall be responsible for the presentation of the annual financial estimates and the annual accounts and balance sheet of the University to the Board.
- (6) (a) In any emergency which, in the opinion of the Vice-Chancellor, requires that immediate action should be taken, he shall take such action as he deems necessary and shall at the earliest opportunity thereafter report his action to such officer, authority or body as would have in ordinary course dealt with the matter.  
(b) When action taken by the Vice-Chancellor under this sub-section affects any person in the service of the University, such person shall be entitled to prefer an appeal through the said officer, authority or body to the Board within one month from the date on which such action is communicated to him.



(7) The Vice-Chancellor shall give effect to the orders of the Board regarding the appointment, dismissal, suspension and punishment of officers, teachers and other employees of the University.

(8) The Vice-Chancellor shall be responsible for the proper administration of the University and for close co-ordination and integration of teaching, research and extension education.

(9) (a) Subject to the provisions contained in sub-section (6) and notwithstanding anything contained in sub-section (7), where the Vice-Chancellor, after making such inquiry as may be deemed fit, is of the opinion that the execution of any order or resolution of an authority specified in or declared under section 17 or the doing of anything which is about to be done or is being done by or on behalf of the University,-

(i) is inconsistent with the provisions of this Act or of any Statutes, or Regulations, or

(ii) is not in the interest of the University, or

(iii) is likely to lead to breach of peace,

he may forward a copy of the order or resolution or, as the case may be, refer the doing of the thing, with a statement of reasons, to the authority which made the order or passed the resolution or proposes to do the thing for reconsideration by that authority as to whether the said order or resolution may not be rescinded, or revised or modified in the manner stated by him or the doing of the thing be refrained from.

(b) Where the authority, after reconsideration, revises or modifies the order or the resolution in the manner stated by the Vice-Chancellor, then notwithstanding anything contained in clause (e), such revised or modified order or resolution shall revive from the date of such revision or modification.

(c) Where the authority revises or modifies the order or resolution in such manner as is inconsistent with the manner stated by the Vice-Chancellor, the Vice-Chancellor shall refer the matter to the Chancellor for his decision.

(d) The Chancellor may, on such reference being made, revise or modify the order or resolution or direct that the order or resolution shall continue to be in force with or without modification permanently or for such period as he may specify:

Provided that the order or resolution shall not be revised or modified or continued by the Chancellor without giving the concerned authority a reasonable opportunity of showing the cause against the order proposed to be made by him.

- (e) The order, resolution or, as the case may be, the doing of thing, shall remain in abeyance from the date of the action of the Vice-Chancellor of forwarding the copy of order or resolution or of making reference under clause (a) till the date of the order of the Chancellor under clause (d).

(10) The Vice-Chancellor shall exercise such other powers as may be prescribed.

**Director of  
Research and Dean  
of Post-graduate  
Studies.**

12. (1) The Director of Research and Dean of Post-graduate Studies shall be a whole time salaried officer of the University and shall be appointed by the Vice-Chancellor with the previous approval of the Board in accordance with the Statutes made in this behalf.

(2) The qualification, emoluments and the terms and conditions of service of the Director shall be such as may be prescribed.

(3) The Director shall exercise such powers and perform such duties as may be prescribed.

**Deans of  
Faculties.**

13. (1) There shall be a Dean of each Faculty who shall be chosen in such manner as may be prescribed.

(2) The Dean shall hold office for a term of three years and shall be eligible for being chosen to that office for a further term of three years.

(3) The Dean shall be the Chairman of the Board of Studies of the Faculty.

(4) The Dean of each Faculty shall be responsible for due observance of Statutes and Regulations relating to that Faculty.

(5) The Dean shall exercise such powers and perform such functions and duties as may be prescribed.

**Director of  
Extension  
Education.**

14. (1) The Director of Extension Education shall be a whole-time salaried officer of the University and shall be appointed by the Vice-Chancellor with the previous approval of the Board in accordance with the Statutes made in this behalf.

(2) The qualifications, emoluments and the terms and conditions of service of the Director shall be such as may be prescribed.

(3) The Director shall exercise such powers and perform such functions and duties as may be prescribed.

15. (1) The Registrar shall be a whole time salaried officer of the University and shall act as the Secretary of the Board and the Academic Council. **Registrar.**

(2) He shall be appointed by the Vice-Chancellor with the previous approval of the Board and his qualifications, emoluments and the terms and conditions of service shall be such as may be prescribed.

(3) He shall exercise such powers and perform such duties as may be prescribed by the Statutes and Regulations.

16. (1) The officers mentioned at items (vii) and (viii) and officers declared as such by the Statutes under item (ix) of section 8 shall be appointed by the Vice-Chancellor with the previous approval of the Board. **Other officers.**

(2) The qualifications, emoluments and the terms and conditions of service of the officers shall be such as may be determined by Statutes.

(3) The powers and duties of the officers shall be such as may be prescribed.

#### CHAPTER IV AUTHORITIES OF THE UNIVERSITY

17. The following shall be the authorities of the University, namely:- **Authorities of the University.**

- (1) the Board of Management,
- (2) the Academic Council,
- (3) the Faculties,
- (4) the Board of Studies of each Faculty including Board of Post-graduate Studies, and
- (5) such other bodies of the University as may be declared by the Statutes to be the authorities of the University.

18. (1) The Board of Management shall consist of the following members, namely:-- **Constitution of the Board of Management.**

##### Class I - *Ex-officio Members*

- (i) the Vice-Chancellor,
- (ii) the Secretary to the Government of Gujarat, Agriculture and Co-operation Department or an officer not below the rank of Deputy Secretary of that Department designated by the Secretary,



- (iii) the Secretary to the Government of Gujarat, Education Department, or an officer not below the rank of Deputy Secretary of that Department designated by the Secretary,
- (iv) the Secretary to the Government of Gujarat, Finance Department,
- (v) the Director of Agriculture, Gujarat State,
- (vi) the Director of Animal Husbandry, Gujarat State,
- (vii) the Director of Horticulture, Gujarat State, and
- (viii) one member nominated by the Vice-Chancellor by rotation in the prescribed manner from amongst the Deans of Faculties.

**Class II — Ordinary Members**

Five persons, not being officers, to be nominated as follows, namely:--

(a) to be nominated by the State Government,--

- (i) one Member of the Gujarat Legislative Assembly,
- (ii) two agricultural scientists having background of agricultural research or education,
- (iii) one farmer,

(b) one representative nominated by the Director General of Indian Council of Agricultural Research.

(2) The Vice-Chancellor shall be the *ex-officio* Chairman of the Board.

(3) The term of office of the nominated members shall be three years.

(4) The nominated members of the Board shall be entitled to such daily and travelling allowances as may be prescribed.

19. (1) The Board shall, on a date and a place fixed by the Vice-Chancellor, hold its meeting: **Meetings of Board.**

Provided that the Vice-Chancellor shall fix a date and a place for the meeting of the Board at least once every two months.

- (2) One-third of the members of the Board shall constitute a quorum for the transaction of its business at the meeting.

- (3) (a) The Board may, for the purpose of consultation, invite any person having experience or special knowledge on a subject under its consideration to attend its meeting.

(b) A person invited under clause (a) shall have the right to speak in and otherwise to take part in the proceedings of the meeting, but shall not be entitled to vote at such meeting.

(c) A person invited under clause (a) shall be entitled to such allowance for attending the meeting as may be prescribed.

20. (1) The Board shall exercise the following powers and perform the following functions, namely:-- **Powers and functions of Board.**

- (i) to consider and decide the matters of general policy relating to the progress and development of the University;
- (ii) to suggest steps to be taken by the authorities of the University in pursuance of the policy decided by the Board;
- (iii) to hold, control and administer the property and funds of the University;
- (iv) to enter into, vary, carry out and cancel contracts on behalf of the University in exercise or performance of the powers and functions assigned to it by or under this Act or the Statutes;
- (v) to determine the form, and provide for the custody of and to regulate the use, of the common seal of the University;
- (vi) to administer the funds placed at the disposal of the University for specific purposes;
- (vii) to arrange for the investment and withdrawal of funds of the University;

- (viii) to borrow money for capital improvements and to make suitable arrangements for its repayment;
- (ix) to approve the annual accounts and the annual financial estimates of the University;
- (x) to make provision for buildings, premises, furniture, apparatus and other means needed for carrying on the work of the University;
- (xi) to accept, on behalf of the University, bequests, donations and transfers of any movable and immovable property to the University;
- (xii) to transfer any movable or immovable property on behalf of the University;
- (xiii) to manage and regulate the finances, accounts and investments of the University;
- (xiv) to establish, manage and maintain colleges, departments, institutes of research, experimental farms, laboratories, libraries, hostels and such other facilities necessary for carrying out the purposes of this Act;
- (xv) to affiliate colleges or recognise institutions of research in agriculture or extension education as may be provided by Statutes;
- (xvi) to arrange for, and to direct, the inspection of affiliated colleges, recognised institutions and hostels, to issue instructions for maintaining their efficiency and for ensuring proper conditions of employment including salary scales and allowances for the members of their teaching other academic and non-teaching staff;
- (xvii) (a) to withdraw, either in whole or in part, or to modify the rights conferred on a college by affiliation or on an institution by recognition, and  
(b) to recommend to the State Government withdrawal or reduction of a grant of a college which makes default in carrying out the conditions of affiliation;
- (xviii) (a) to control and co-ordinate the activities of and to give financial aid to, affiliated colleges and recognised institutions, and



- (b) to regulate fees to be paid by the students in affiliated colleges and recognised institutions;
- (xix) to call for reports, returns and other information from colleges, recognised institutions or hostels;
- (xx) to recognise a member of the staff of an affiliated college or recognised institution as a professor, reader, lecturer or teacher of the University and to withdraw such recognition;
- (xxi) to make such provision as to enable affiliated colleges and recognised institutions to undertake specialisation of studies;
- (xxii) to lay down and regulate the salary scales, allowances and conditions of service of officers, members of the teaching, other academic and non-teaching staff of the University;
- (xxiii) to lay down and regulate the salary scales, allowances and conditions of service of the members of teaching other academic and non-teaching staff of affiliated colleges, constituent colleges and recognised institutions;
- (xxiv) to supervise and control the residence, conduct and discipline of the students of affiliated colleges, constituent colleges, University departments and recognised institutions and to make arrangements for promoting their health and general welfare and to take disciplinary action against the students;
- (xxv) to institute and award fellowships and scholarships, studentships, medals, prizes and other awards;
- (xxvi) to institute and confer or grant degrees, diplomas and other academic distinctions;
- (xxvii) to appoint officers, teachers and other staff of the University in the prescribed manner;
- (xxviii) to promote post-graduate teaching, research and extension education;
- (xxix) to make provision for instruction, teaching and training in such branches of learning and courses of study as may be determined by the Academic Council, for research and for the advancement and dissemination of knowledge;

(xxx) to fix, demand and receive such fees and other charges as may be prescribed;

(xxxi) to make provision relating to use of Gujarati as medium of instruction and examination;

(xxxii) to make, amend or repeal Statutes;

(xxxiii) to exercise such other powers and perform such other functions as may be conferred or imposed on it by or under this Act, Statutes and Regulations and

(xxxiv) to exercise all powers of the University not otherwise provided for in this Act or the Statutes and all other powers which are requisite to give effect to the provisions of this Act or the Statutes.

(2) The powers and functions under clauses (xv) to (xvii), (xx), (xxi), (xxv), (xxvi), (xxvii), (xxix) and (xxxii) of sub-section (1) shall not be exercised or performed by the Board except upon the recommendation made by the Academic Council.

(3) The exercise of the powers by the Board under clauses (xxii) and (xxiii) of sub-section (1) in so far as they relate to the laying down and regulating salary scales and allowances of officers, members of the teaching, other academic and non-teaching staff of the University, constituent college, affiliated college and recognised institution shall be subject to the approval of the State Government.

(4) The Board may, by Statutes, appoint committees to carry out its administrative work and define their constitution, functions and tenures.

Academic  
Council.

21. (1) The Academic Council shall consist of the following members, namely:--

- (i) the Vice-Chancellor, *ex-officio*,
- (ii) the Director of Research and Dean of Post-graduate Studies, *ex-officio*,
- (iii) the Deans of Faculties, *ex-officio*,
- (iv) the Director of Extension Education, *ex-officio*,
- (v) six members nominated by the Vice-Chancellor by rotation in the prescribed manner from amongst the Heads of Departments of the Faculties and the research scientists of the University.



(2) As soon as the Academic Council is constituted under sub-section (1), it may co-opt for such period as may be prescribed as its additional members not more than ten persons representing different disciplines of agriculture and allied sciences irrespective of whether they are connected with the University as its members, teachers or otherwise.

(3) The term of office of the members of the Academic Council other than *ex-officio* members shall be three years.

22. (1) The Academic Council shall have the control and general regulation of, and be responsible for, maintenance of the standards of teaching and examinations of the University.

**Powers and duties  
of Academic  
Council.**

(2) Without prejudice to the generality of the foregoing provision and subject to such conditions as may be prescribed by or under the provisions of this Act, the Academic Council shall exercise the following powers and perform the following duties, namely:--

- (i) to make proposals for establishment of University departments of teaching, research and extension education, libraries and laboratories;
- (ii) to recommend to the Board the institution of Departments and Faculties;
- (iii) to make proposals for the institution of professorships, Associate Professorships, Assistant Professorships and any other posts of teachers required by the University and for prescribing the duties of the persons occupying such posts;
- (iv) to make regulations relating to admission of students to the University and the number of students to be admitted;
- (v) to arrange for co-ordination of studies and teaching in affiliated colleges and recognised institutions;
- (vi) to approve regulations prescribing the manner of granting exemption in approved courses of studies in the University or in affiliated colleges for qualifying for degrees, diplomas and certificates;
- (vii) to recommend to the Board the affiliation of a college and recognition of an institution;
- (viii) to make regulations relating to the courses of study leading to degrees, diplomas, certificates and other academic distinctions;
- (ix) to make regulations relating to the conduct of examinations;



- (x) to make proposals for allocating subjects to a Faculty;
- (xi) to make proposals for post-graduate teaching, research and extension education;
- (xii) to recommend qualifications to be prescribed for teaching, research and extension staff in the University;
- (xiii) to make regulations regarding examinations of the University and the conditions on which the students shall be admitted to them;
- (xiv) generally to advise the University on all academic matters; and
- (xv) to exercise such other powers and perform such other duties as may be conferred or imposed on it by or under this Act and Statutes.

**Faculties.**

23. (1) The University shall include Faculties of agriculture and allied sciences and such other Faculties as may be prescribed.

(2) Each Faculty shall comprise of such subjects as may be prescribed.

(3) The constitution, powers and duties of the Faculties referred to in sub-section (1) shall be such as may be prescribed.

**Board of Studies.**

24. (1) There shall be a Board of Studies for every subject or group of subjects as may be prescribed.

(2) The Constitution of each Board and the term of office of its members shall be such as may be prescribed.

(3) Each Board shall exercise such powers and perform such duties as may be prescribed.

## CHAPTER V COUNCIL OF STATE AGRICULTURAL UNIVERSITIES

**Council of State  
Agricultural  
Universities.**

25. (1) There shall be a Council of State Agricultural Universities consisting of the following members, namely:--

- (a) the Minister for Agriculture, Government of Gujarat, *ex-officio*,

- (b) the Secretary to the Government of Gujarat, General Administration Department, *ex-officio*,
- (c) the Secretary to the Government of Gujarat, Finance Department, *ex-officio*,
- (d) the Secretary to the Government of Gujarat, Agriculture and Co-operation Department, *ex-officio*,
- (e) the Vice-Chancellor of each of the Universities, *ex-officio*,
- (f) the Director of Agriculture, Gujarat State, *ex-officio*,
- (g) the Director of Animal Husbandry, Gujarat State, *ex-officio*,
- (h) the Director of Horticulture, Gujarat State, *ex-officio*:

Provided that when a proclamation made under article 356 of the Constitution is in force in the State, the Central Government may appoint one person in place of the Minister for Agriculture to be the Chairman and the person so appointed shall vacate his office upon the revocation or cesser of operation of such proclamation.

- (2) (a) The Minister shall be the Chairman of the Council and shall preside over its meetings:

Provided that when the Minister is unable to preside over any meeting, he may nominate the Deputy Minister for Agriculture to preside over the meeting.

- (b) The Joint Secretary or the Deputy Secretary to the Government of Gujarat, Agriculture and Co-operation Department, in-charge of the subject matter of Agricultural Universities, shall be the Member-Secretary of the Council.
- (3) The Headquarters of the Council shall be at Gandhinagar.
- (4) The Council shall meet at least twice in a year.
- (5) Subject to sub-section (4), the Council shall meet at such time and such place as the Chairman may appoint in this behalf and observe such rules of procedure in regard to transaction of its business at its meetings as may be determined by it.
- (6) Four members shall form a quorum and all questions at a meeting of the Council shall be decided by a majority of the members present and voting.

- (7) The Council shall perform the following functions, namely:--
- (a) to review the functioning of the Universities twice in a year and make a report to the State Government and the Chancellor,
  - (b) to advise the State Government on any matter relating to functioning of the Universities on a reference made to it in that behalf by the State Government,
  - (c) to assess the requirement of finance by the Universities and recommend the grants to be given to the Universities by the State Government,
  - (d) to review the annual plan of activities and annual financial estimates of the Universities before they are passed by the Boards of the Universities,
  - (e) to assess requirements of Universities of having new faculties, disciplines or departments,
  - (f) to co-ordinate education in agriculture and allied sciences imparted by the Universities and the agricultural research activities and agricultural extension educational activities carried on by the Universities and matters related thereto,
  - (g) to supervise and co-ordinate the centralised admissions to various degree courses in Universities,
  - (h) to arrange programmes to upgrade capability of teachers of faculties in their respective disciplines according to the requirements of the University,
  - (i) such other functions as may be specified by the State Government by notification in the *Official Gazette*.

(8) For the purpose of performing its functions, the Council may call for, from the Universities, such reports, returns and information, as may be necessary and the Universities shall furnish such reports, returns and information.



## CHAPTER VI

## RESEARCH AND EXTENSION EDUCATION

26. (1) Subject to the provisions of this Act and the Statutes, the University shall carry on research directed towards solving the problems of agriculture and allied sciences for the purpose of development of agriculture and of providing benefits to the rural population of the University area and for carrying out such research, it shall establish an Agricultural Research Organisation.

**Agricultural  
Research  
Organisation.**

(2) The Agricultural Research Organisation shall consist of the following officers and employees, namely:--

- (a) the Director of Research and Dean of Post-graduate Studies, who shall be the Head of the Organisation,
- (b) Associate Directors of Research appointed by the University for various agro-climatic zones falling in the University area,
- (c) Scientists entrusted with the work of research on various crops, commodities or natural resources, by the University,
- (d) such other officers and employees appointed by the University for the purpose of the Organisation.

(3) The Agricultural Research Organisation shall have control also over other agricultural research activities in the University area.

27. (1) The University shall establish an Agricultural Extension Education Organisation.

**Agricultural  
Extension  
Education  
Organisation.**

(2) The Agricultural Extension Education Organisation shall consist of the following officers and employees, namely:--

- (a) the Director of Extension Education who shall be the Head of the Organisation,
- (b) extension scientists entrusted with the work of assessment, refinement and transfer of technologies of agriculture by the University,
- (c) such other officers and employees appointed by the University for the purpose of Organisation.

(3) The Agricultural Extension Education Organisation shall perform the following functions, namely:--

- (a) to carry out extension activities for the purpose of increasing agricultural production;
- (b) to make available to the farmers information based upon the findings of research carried out by it;
- (c) to conduct demonstrations and training programmes for the benefit of students, extension workers and the persons whose occupation is agriculture;
- (d) to co-ordinate the extension activities with other functions of the University; and
- (e) such other functions as may be prescribed.

## CHAPTER VII STATUTES AND REGULATIONS

**Statutes.** 28. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:--

- (i) conferment and withdrawal of honorary degrees and other academic distinctions;
- (ii) holding of convocations to confer degrees;
- (iii) powers, functions, duties, manner of appointment and emoluments, terms and conditions of service of officers of the University;
- (iv) designations, qualifications, method of recruitment, emoluments and other terms and conditions of service of employees of the University and their duties;
- (v) declaration of other bodies of the University to be authorities of the University;
- (vi) constitution, powers and duties of the authorities of the University save as provided in this Act;
- (vii) acceptance and management of bequests and donations;
- (viii) registration of graduates and maintenance of a register of registered graduates;
- (ix) procedure at meetings of the authorities of the University and for the transaction of their business;
- (x) classification and manner of appointment of teachers and other non-teaching staff;



- (xi) establishment, amalgamation, sub-division and abolition of Faculties;
- (xii) establishment of departments of teaching in Faculties;
- (xiii) the manner in which and the conditions subject to which pension, provident and insurance funds shall be constituted for the benefit of employees of the University and the terms and conditions of each of such funds; and
- (xiv) all matters which by this Act are to be or may be prescribed by the Statutes.

29. (1) Statutes may be made by the Board and may be amended, repealed or added to by Statutes made by the Board in the manner hereinafter provided.

Statutes, their making, amendment, repeal and operation.

(2) The Board may take into consideration the draft of a Statute.

(3) Where a Statute affects the powers or duties of any officer or authority of the University, the Board shall, before passing such Statute, ascertain and consider the views of the officer or the authority concerned and take the same into consideration.

(4) Every Statute passed by the Board shall be submitted to the Chancellor who may give or withhold his assent thereto or refer it back to the Board for consideration.

(5) No Statute passed by the Board shall be valid until assented to by the Chancellor.

30. (1) Any authority of the University specified in clauses (2), (3) and (4) or declared under clause (5) of section 17 may make Regulations consistent with this Act and the Statutes, providing for all matters which by this Act and the Statutes are to be provided for by Regulations and for all other matters solely concerning such authority.

Regulations.

(2) A regulation made by an authority shall have effect from such date as the authority making the regulation may direct:

Provided that a regulation, which involves expenditure from the University Fund, shall not be effective until it is approved by the Board.

(3) The Board of Studies may propose to the Academic Council draft of any regulation relating to courses of study, system of examinations and degrees and diplomas of the University to be passed by the Academic Council. Such draft shall be considered by the Academic Council at its next succeeding meeting.



- (4) (a) The Academic Council may approve such draft and pass the regulation or may reject it or return it to the Board of Studies for reconsideration either in whole or in part together with any amendment which the Academic Council may suggest.

(b) After any draft so returned has been further considered by the Board of Studies together with any amendment suggested by the Academic Council, it shall be again presented to the Academic Council with the report of the Board of Studies thereon and the Academic Council may then deal with the draft in any manner as it thinks fit :

Provided that no regulation by the Board of Studies relating to matters other than those referred to in sub-section (3) and no regulation by a Faculty shall be made unless it is approved by the Academic Council :

Provided further that no regulation made by any authority declared under clause (5) of section 17 shall be made unless it is approved by the Board of Management.

#### CHAPTER VIII AFFILIATION AND RECOGNITION

##### Affiliation.

31. (1) A college desiring to impart education in agriculture and allied sciences shall send a letter of application to the Registrar for an affiliation to the University, not later than 31<sup>st</sup> March of the year preceding the year in which the college is proposed to be started:

Provided that, on the recommendation of the Vice-Chancellor, the Board may, if it is satisfied that there are special reasons to do so, after recording such reasons, entertain a letter of application sent to the Registrar after 31<sup>st</sup> March.

- (2) A college applying for an affiliation shall satisfy the Board and the Academic Council—

- (a) that the college is to be under the management of regularly constituted governing body;
- (b) that the strength and the qualifications of the teaching staff and the conditions governing their tenure of office are such as to make due provision for the education in agriculture and allied sciences to be imparted by the college and for conducting and guiding research in agriculture and programmes of extension education to be undertaken by the college;

- (c) that the buildings in which the college is or is to be located are suitable and that provision has been or shall be made, in conformity with the Statutes, for the residence in the college or in lodging approved by the college, of students not residing with their parents or guardians and for the supervision and welfare of students;
- (d) that due provision is made or shall be made for a library;
- (e) that where affiliation is sought in any branch of experimental science, arrangements have been or shall be made in conformity with the Statutes and regulations for imparting instruction in that branch of science in a properly equipped laboratory;
- (f) that due provision is made or shall be made as far as circumstances may permit, for the residence of the principal and other members of the teaching staff in or near the college or the place provided for the residence of students;
- (g) that the financial resources of the college are such as to make due provision for its continued maintenance and efficient working;
- (h) that the college rules fixing the fees (if any) to be paid by the students have not been so framed as to involve such competition with any existing college in the same neighbourhood as would be injurious to the interest of education;
- (i) that for recruitment of the principal and members of the teaching staff of the college, there is a selection committee of the college which shall include—
  - (i) in case of recruitment of the principal, a representative of the University nominated by the Vice-Chancellor; and
  - (ii) in case of recruitment of a member of the teaching staff of the college, a representative of the University nominated by the Vice-Chancellor and the Head of the Department, if any, concerned with the subject to be taught by such member:

Provided that nothing in this clause shall apply to a Government college, a college maintained by Government or a college established and administered by minority based on religion or language;



(j) that the college shall comply with the Statutes and regulations providing for conditions of service including salary scales and allowances of the teaching and other academic and non-academic staff of an affiliated college, not being a Government college or a college maintained by the Government;

(k) such other conditions as may be specified in the Statutes in accordance with the provisions of this Act.

(3) The application shall contain an assurance that after the college is affiliated, any transference of management and all changes in the teaching staff and all other changes which result in any of the aforesaid requirement not being fulfilled or continued to be fulfilled shall be forthwith reported to the Board.

(4) On receipt of a letter of application under sub-section (1), the Board shall—

(a) direct a local inquiry to be made by a competent person or persons authorised by the Board in this behalf in respect of the matters referred to in sub-section (2) and such other matters as may be deemed necessary and relevant;

(b) make such further inquiry as may appear to it to be necessary;

(c) give due consideration to the request, if any, made by the applicant for reconsideration of any of the conditions conveyed to him;

(d) record its opinion after consulting the Academic Council on the question whether the application should be granted or refused either in whole or in part, stating the result of any inquiry under clauses (a) and (b):

Provided that where the views of the Academic Council with regard to the affiliation of a college are not acceptable to the Board, the Board shall refer the matter again to the Academic Council, with or without its comments, and the Academic Council shall communicate again to the Board its views with regard to the affiliation of the college.

(5) The Registrar shall submit the application and all proceedings, if any, of the Academic Council and the Board relating thereto to the State Government which shall, after such inquiry as may appear to it to be necessary, grant or refuse the application or any part thereof.



(6) Where the application or any part thereof is granted, the order of the State Government shall specify the courses of the instructions in respect of which the college is affiliated and where the application or any part thereof is refused, the grounds of such refusal shall be recorded.

(7) As soon as possible after the State Government makes its order, the Registrar shall submit to the Board and the Academic Council a full report regarding the application, the action taken thereon under sub-sections (4) to (6) and of all proceedings connected therewith.

(8) An application under sub-section (1) may be withdrawn at any time before an order is made under sub-section (6).

32. Where a college desires to add to the courses of instruction in respect of which it is affiliated, the procedure prescribed by section 31 shall, as far as possible, be followed. **Extension of affiliation.**

33. (1) The Board shall have power, after consultation with the Academic Council, to recognise as a recognised institution any institution of research in agriculture or extension education, other than a college. **Recognition of institution.**

(2) An institution, which desires to have such recognition, shall send a letter of application to the Registrar and shall give full information in the letter of application in respect of the following matters, namely:--

- (a) constitution and personnel of the managing body;
- (b) subjects and courses in regard to which recognition is sought;
- (c) accommodation, equipment, library facilities and the number of students for whom provision has been or is proposed to be made;
- (d) the strength of the staff, their qualifications and salaries and the research work done by them;
- (e) fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipment and for the continued maintenance and efficient working of the institution.

(3) Before taking the application into consideration, the Board may call for any further information which it may deem necessary.

(4) If the Board decides to take the application into consideration, it may direct a local inquiry to be made by a competent person or persons authorised by it in this behalf. After considering the report made as a result of such local inquiry and making such further inquiry as may

appear to it to be necessary, the Board shall, after obtaining the opinion of the Academic Council, grant or refuse the application or any part thereof. Where the application or any part thereof is granted, the Board shall specify the subjects and courses of instructions in respect of which the institution is recognised and make a report to that effect to the Academic Council at their next succeeding meeting. Where the application or any part thereof is refused, the grounds of such refusal shall be stated.

Inspection of college or recognised institution.

34. (1) Every affiliated college and recognised institution shall furnish such reports, returns and other information as the Board, after consulting the Academic Council, may require to enable it to judge the efficiency of the college or the institution.

(2) On a direction by the Board in that behalf, it shall be the duty of the inspection committee constituted under section 43 to inspect an affiliated college or a recognised institution and to make a report to the Board.

(3) The Board shall cause every such college or institution to be inspected from time to time by the inspection committee.

(4) The Board may call upon any college or institution so inspected to take, within a specified period, such action as may appear to it to be necessary in respect of any of the matters referred to in sub-section (2) of section 31 or, as the case may be, sub-section (2) of section 33.

Affiliated college and recognised institution to comply with provisions pertaining to medium of instruction.

35. (1) Every affiliated college or recognised institution shall, in respect of the medium of education in agriculture and allied sciences, research in agriculture and programmes of extension education and examination therein, comply with the provisions made in that behalf by this Act, the Statutes and the regulations.

(2) If any affiliated college or recognised institution contravenes the provisions of sub-section (1), then, notwithstanding anything contained in the other provisions of this Act,--

(a) the rights conferred on such college or institution by the affiliation or recognition shall stand withdrawn from the date of such contravention; and

(b) such college or institution shall cease to be an affiliated college or recognised institution for the purposes of this Act.

(3) If any affiliated college or recognised institution affected by sub-section (2) raises any dispute as to the withdrawal of its rights of affiliation or recognition, then such dispute shall be referred to the State Government and the State Government shall decide the dispute and its decision shall be final.



36. (1) The rights conferred on a college by affiliation may be withdrawn in whole or in part or modified if the college has failed to carry out any of the provisions of sub-section (2) of section 31 or the college has failed to observe any of the conditions of its affiliation or the college is conducted in a manner which is prejudicial to the interests of education. **Withdrawal of affiliation.**

(2) A motion for the withdrawal or the modification of such rights shall be initiated only in the Board. The member of the Board, who intends to move such a motion, shall give notice of it and shall state in writing the grounds on which it is made.

(3) Before taking the said motion into consideration, the Board shall send a copy of the notice of the motion and statement of grounds on which it is made to the Principal of the college concerned together with an intimation that any representation in writing submitted within a period specified in such intimation on behalf of the college will be considered by the Board:

Provided that the period so specified may, if necessary, be extended by the Board.

(4) On receipt of the representation or on the expiry of the period referred to in sub-section (3), the Board, after considering the notice of motion, statement and representation, and after such inspection by any competent person or persons authorised by the Board in this behalf, and such further inquiry as may appear to it to be necessary and after consulting the Academic Council, shall record its opinion in the matter:

Provided that where the views of the Academic Council with regard to the withdrawal or modification of the rights conferred by affiliation are not acceptable to the Board, the Board shall, before passing such resolution, refer the matter again to the Academic Council, with or without its comments and the Academic Council shall communicate again to the Board its views in the matter.

(5) The Registrar shall submit the proposal and all proceedings, if any, of the Academic Council and the Board relating thereto, to the State Government which, after such further inquiry, if any, as may appear to it to be necessary, shall make such order as it deems fit, and communicate the same to the Board.

(6) Where by an order made under sub-section (5), the rights conferred on any college by affiliation are withdrawn in whole or in part or modified, the grounds for such withdrawal or modification shall be stated in the order.

(7) The Board may, on recommendation of the Academic Council, recommend to the State Government withholding or reduction of a grant to an affiliated college which, on a report by an Inspection Committee or



otherwise, is found making persistent default in carrying out the conditions of affiliation.

**Withdrawal of  
recognition.**

37. (1) The rights conferred on an institution by recognition may be withdrawn or suspended for any period if the institution has failed to observe any of the conditions of its recognition or the institution has conducted in a manner which is prejudicial to the interest of education.

(2) A motion for such withdrawal or suspension shall be initiated only in the Board. The member of the Board, who intends to move such a motion, shall give notice of it and shall state in writing the grounds on which it is made.

(3) Before taking the said motion into consideration, the Board shall send a copy of the notice of motion and statement of grounds on which it is made to the head of the institution concerned, together with an intimation that any representation in writing submitted within a period specified in the intimation on behalf of the institution will be considered by the Board:

Provided that the period so specified may, if necessary, be extended by the Board.

(4) On receipt of the representation or on the expiry of the period referred to in sub-section (3), the Board, after considering the notice of motion, statement and representation and after such inspection by any competent person or persons authorised by the Board in this behalf and after such further inquiry as may appear to it to be necessary, and after consulting the Academic Council, may, by a resolution, withdraw or suspend recognition.

## CHAPTER IX ORGANISATION WITHIN THE UNIVERSITY AREA FOR POST-GRADUATE TEACHING

**Post-graduate  
teaching.**

38. Within the University area all post graduate education in agriculture and allied sciences shall be imparted or conducting and guiding research in agriculture or conducting and guiding programmes in extension education shall be undertaken by the University or by such affiliated colleges and in such subjects as may be prescribed.

**Teaching within  
University area.**

39. (1) The Board may determine that all education in agriculture and allied sciences or research in agriculture or programmes in extension education in respect of which the University is competent to hold examinations shall, within the University area, be imparted or undertaken by the teachers of the University on behalf of the University and the Board shall communicate its decision to the State Government.

(2) On receipt of the communication under sub-section (1), the State Government may, after making such inquiry as it thinks fit, by notification in the *Official Gazette*, declare that the provisions of section 40 shall come into force on such date as may be specified in the notification.

40. (1) All colleges, which have become constituent colleges under clause (c) of sub-section (1) of section 66, and all colleges within the University area, which may hereafter become University colleges, shall be the constituent colleges of the University. Constituent colleges.

(2) No educational institution imparting education in agriculture and allied sciences or conducting and guiding research in agriculture or conducting and guiding programmes of extension education and situate within the University area shall, save with the consent of the University and the sanction of the State Government, be associated in any way with, or seek admission to any of the privileges of, any other University established by law.

(3) The relations of the constituent colleges within the University area shall be governed by the Statutes to be made in that behalf, and such Statutes shall provide in particular for the exercise by the University of the following powers in respect of the constituent colleges, namely:--

- (i) to lay down minimum educational qualifications for the different classes of teachers and tutorial staff employed by such colleges and the conditions of their service;
- (ii) to approve the appointments of the teachers made by such colleges;
- (iii) to require each such college to contribute a prescribed quota of recognised teachers in any subject for teaching on behalf of the University;
- (iv) to co-ordinate and regulate the facilities provided and expenditure incurred by such college in regard to libraries, laboratories and other equipments for teaching and research;
- (v) to require such colleges, when necessary, to confine the enrolment of students to certain subjects;
- (vi) to levy contributions from such colleges and make grants to them; and
- (vii) to require satisfactory arrangements for tutorial and similar other work in such colleges and to inspect such arrangements from time to time:

Provided that a constituent college shall supplement such education in agriculture and allied sciences, research in agriculture or programmes of extension education, by tutorial or other instruction, teaching or training in a manner to be prescribed by the Regulations to be made by the Academic Council.

- (5) Subject to the provisions of the Statutes, the Academic Council shall organise and co-ordinate the education, research or programmes of extension education.

## CHAPTER X COMMITTEES

### Committees for selection of University teachers.

41. (1) There shall be committees for selection of different classes of full-time teachers of the University including tutors and demonstrators.

- (2) No person shall be appointed as full-time teacher of the University except on the recommendation of the committee.

- (3) The constitution of such committee, the term of office of its members and the procedure to be followed by it shall be such as may be prescribed.

### Examiners' Committee.

42. (1) There shall be formed every year a committee for each Faculty, for the purpose of drawing up the list for appointments to University examinership, consisting of—

- (i) the Dean of the concerned Faculty, *ex-officio* Chairman,
- (ii) the Chairman of the Board of Studies, and
- (iii) two members of the Board of Studies nominated by the Vice-Chancellor for the year.

- (2) The list of examiners prepared by the committee shall be placed through the Academic Council before the Vice-Chancellor for his approval who may either approve or modify the same for the reasons to be recorded in writing.

- (3) The procedure to be followed by the committee shall be such as may be prescribed.

### Inspection Committee.

43. There shall be an Inspection Committee consisting of a person nominated by the Vice-Chancellor as the Chairman and such other members as may be appointed by the Board in accordance with the Statutes.



44. (1) There shall be a College Development Committee for the purpose of development of colleges in the University area.

College  
Development  
Committee.

(2) The constitution of such Committee, the term of office of its members and the procedure to be followed by it shall be such as may be prescribed.

45. (1) Any of the authorities of the Universities referred to in section 17 may, from time to time, appoint such other committees consisting of such persons from amongst its members as the authority thinks fit and may refer or entrust, to any such committee for inquiry and report or for opinion any of the matters dealt with by the authority and may at any time discontinue or alter the constitution of any such committee.

Other  
committees.

(2) Notwithstanding anything contained in this Act, but subject to the approval of the appointing authority, it shall be lawful for a committee appointed under sub-section (1) to co-opt such number of persons who are not members of the appointing authority as its members as it thinks fit.

## CHAPTER XI FINANCE

46. (1) The University shall establish a fund to be called the University Fund.

University  
Fund.

(2) The following shall form part of, or be paid into, the University Fund:--

- (a) any contribution or grant by the State Government,
- (b) the income of the University from all sources including income from fees and charges,
- (c) bequest, donations, endowments and other grants, if any.

(3) The University Fund shall be kept in any corresponding new bank specified in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 and approved by the State Government for the purpose or invested in securities authorised by the Trusts Act, 1882 at the discretion of the Board.

5 of  
1970.

40 of  
1980.

2 of  
1882.

47. The State Government shall, in each year after due appropriation made by the State Legislature by law in this behalf, make provision for making grants to the University, as follows:-

Grants.

- (a) a grant of an amount not less than the estimated net expenditure on pay and allowances of the staff, contingencies, and services of the University ;
- (b) a grant to meet such additional items of expenditure, recurring and non-recurring as the State Government may deem necessary for the proper functioning of the University.

**Annual accounts  
and financial  
estimates.**

48. (1) The annual accounts of the University shall be prepared under the direction of the Board.

(2) The Board shall prepare before such date as may be prescribed the financial estimates for the ensuing year having regard to the Government grants that are likely to be available.

(3) The annual accounts and the financial estimates shall be considered by the Board at its annual meeting and pass a resolution adopting the accounts and financial estimates.

(4) The annual accounts so adopted shall be submitted to the State Government for audit.

(5) (a) The Board shall, after the accounts are audited, submit a copy thereof along with a copy of audit report and the statement of the action taken by the University on the audit report, to the State Government.

(b) The State Government shall cause the copy of the accounts and the audit report along with the statement of action taken by the University on the audit report to be laid before the State Legislature.

**Annual report.**

49. (1) The Annual Report of the University shall be prepared under the direction of the Board by or before such date as may be prescribed and shall be considered by the Board at its annual meeting.

(2) The Board may pass such resolutions thereon and take such action as it thinks fit.

## CHAPTER XII SUPPLEMENTARY PROVISIONS

**Dismissal, removal,  
reduction and  
termination of  
service of staff of  
college.**

50. (1) No member of the teaching, other academic and non-teaching staff of a college shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges and unless the penalty to be inflicted on him is

approved by the Vice Chancellor or any other officer of the University authorised by the Vice-Chancellor in this behalf.

(2) No termination of service of such member not amounting to his dismissal or removal falling under sub-section (1) shall be valid unless—

- (a) he has been given a reasonable opportunity of showing cause against the proposed termination, and
- (b) such termination is approved by the Vice-Chancellor or any officer of the University authorised by the Vice-Chancellor in this behalf:

Provided that nothing in this sub-section shall apply to any person who is appointed on probation or for a temporary period only.

- (3) (a) An appeal from an order of dismissal, removal or reduction under sub-section (1) or of termination under sub-section (2) shall lie to the State Government within ninety days from the date of the communication of such order and the decision of the State Government in such appeal shall be final and shall not be called in question in any civil court:

Provided that the State Government may admit any appeal after the period of limitation laid down in this clause if the appellant satisfies the State Government that he had sufficient cause for not preferring the appeal within such period.

- (b) In computing the period laid down in clause (a), the provisions of sections 4 and 12 of the Limitation Act, 1963 shall, so far as may be, apply.

36 of  
1963.

51. The University shall make adequate provision for the benefit of its officers, teachers and other servants in matters of insurance, pension and provident fund or for such other benefits as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

**Pension,  
insurance and  
provident fund.**

52. (1) Where the University has established a provident fund for the benefit of its officers, teachers and other servants under section 51, such fund shall, notwithstanding anything contained in any law for the time being in force, be deposited in the State Government treasury in accordance with such directions as the State Government may, from time to time, by an order in writing, give and thereupon,--

**Provident fund to be  
deposited in  
Government  
treasury.**

- (i) the subscriber to the fund shall be entitled to interest on the balance in his provident fund account at the same rate, at which the State Government servant is for the



time being entitled to on the balance in his provident fund account, and

- (ii) the rules for the time being in force relating to the limits of withdrawals from the provident fund as applicable to such Government servant shall, so far as may be, apply to the subscriber.

(2) Nothing in this section shall apply to a provident fund established by the University to which the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, applies.

Officers and  
employees to be  
public servants.

53. Every officer and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

*Explanation.*—For the purposes of this section, any person, who is appointed by the University for a specified period or for a specified work of the University or, who receives any remuneration by way of compensatory allowance or fee for any work done from the University Fund, shall be deemed to an officer or employee of the University while he is performing, and in relation to all matters relating to the performance of, the duties and functions connected with such appointment or work.

Vacating  
office.

54. (1) Any member of any authority or body of the University may resign his office by letter addressed to the Vice-Chancellor through the Registrar and on the Vice-Chancellor accepting the resignation, the office of such member shall become vacant.

(2) The Board may remove any person from membership of any authority or body of the University on the ground that such member has been convicted by a court of law of an offence, which, in the opinion of the Board, involves moral turpitude:

Provided that no order for removal of such person shall be made without giving him an opportunity of being heard.

(3) Subject to the provisions of sub-section (2), a person, who is a member of any authority or body of the University as a representative of another body, whether of the University or not, shall retain his seat on the University authority or body so long as he continues to be a member of the body by which he was appointed and thereafter till his successor is duly appointed.

Filling up of  
casual  
vacancies.

55. When any vacancy occurs in the office of a member (other than an *ex-officio* member) of any authority or other body of the University before the expiry of the term of office of such member, the vacancy shall be filled up, as soon conveniently as may be, by nomination, appointment or, as the case may be, co-option of a member who shall

hold office so long only as the member in whose place he has been nominated, appointed or co-opted, would have held it, if the vacancy had not occurred.

56. No act or proceeding of any authority or other body of the University shall be invalidated merely by reason of any vacancy in its membership or by reason of a person having taken part in the proceedings of the authority or other body who is subsequently found to have been not entitled to do so.

Proceedings not  
invalidated by  
vacancies.

57. Where any question arises as to—

(1) the interpretation of any provision of this Act, or of any Statute or Regulation, or

(2) whether a person has been duly appointed as, or is entitled to be or ceases to be entitled to be, a member of any authority or other body of the University,

Disputes as to  
constitution of  
University  
authority or  
body.

(a) it may be referred to the State Government if it relates to a matter specified in clause (1), and

(b) it shall be referred to the State Government if—

(i) it relates to a matter specified in clause (2),  
or

(ii) if four members of the Board so require,  
irrespective of whether it relates to a matter  
specified in clause (1) or clause (2), and

the State Government shall, after making such inquiry as it deems fit (including giving opportunity of being heard where necessary) decide the question and its decision shall be final.

58. All acts and orders in good faith done and passed by the University or any of its authorities, bodies or officers shall be final and no suit shall be instituted against or damage claimed from the University or its authorities, bodies or officers for anything purporting to be done in pursuance of the Act and the statutes and regulations framed thereunder.

Protection of  
acts and  
orders.



### CHAPTER XIII TRANSITORY PROVISIONS.

Completion of  
courses of  
students in  
colleges associated  
with Gujarat  
Agricultural  
University.

59. Notwithstanding anything contained in this Act or the statutes or the regulations made thereunder, any student of a college situate within the University area who, immediately before the date on which section 4 came into force was studying or was eligible for any examination of the Gujarat Agricultural University, shall be permitted to complete his course in preparation therefor, and the University for that University area shall provide for such period and in such manner as may be prescribed by the Statutes for the instruction, teaching, training and examination of such students in accordance with the course of studies of the Gujarat Agricultural University.

Appointment of  
first Vice-  
Chancellor.

60. Notwithstanding anything contained in section 10, the first Vice-Chancellor shall be appointed by the State Government as soon as practicable after the commencement of this Act for a period not exceeding two years and on such terms and conditions as the State Government thinks fit.

Appointment  
of first  
Registrar.

61. Notwithstanding anything contained in section 15, the first Registrar shall be appointed by the State Government as soon as practicable after the commencement of this Act for a period not exceeding three years and on such conditions as the State Government thinks fit.

Transitory  
powers of first  
Vice-  
Chancellor.

62. (1) It shall be the duty of the first Vice-Chancellor to make arrangements for constituting the Academic Council and other authorities of the University other than the Board within six months after the date of his appointment or such longer period not exceeding one year in the aggregate as the State Government may, by notification in the *Official Gazette*, direct.

(2) The first Vice-Chancellor shall, with the assistance of the Advisory Committee consisting of not more than fifteen members nominated by the State Government--

(a) subject to the provisions of this Act and the approval of the Chancellor,--

(i) make provisional statutes necessary for constituting the authorities of the University and regulating the procedure at their meetings and the transaction of their business,

(ii) draw up any rules that may be necessary for regulating the method of constitution of authorities,

(b) frame the first statutes and regulations under this Act and submit them for confirmation to the respective



authorities when they commence to exercise their functions.

(3) The authorities constituted under sub-section (1) shall commence to exercise their functions on such date or dates as the State Government may, by notification in the *Official Gazette*, direct.

(4) The statutes and regulations framed by the first Vice-Chancellor shall, when confirmed by the respective authorities, be published in the *Official Gazette*.

63. (1) At any time after the commencement of this Act until such time as the authorities of the University shall commence to exercise their functions,

First  
appointment  
of the officers  
and teachers  
of University.

(a) any officer of the University may be appointed by the Vice-Chancellor with the previous sanction of the Chancellor,

(b) teachers of the University may be appointed by the Chancellor after considering the recommendations of an Advisory Committee consisting of the Vice-Chancellor, the Director of Agriculture and such other person or persons, if any, as the Chancellor thinks fit to associate with them.

(2) Any appointment made under sub-section (1) shall be for such period not exceeding three years and on such conditions as the appointing authority thinks fit:

Provided that no such appointment shall be made until financial provision has been made therefor.

64. The first Vice-Chancellor appointed under section 60 shall have the following powers until the Board commences to exercise its functions, namely:--

Extraordinary  
powers of first  
Vice-Chancellor.

(a) with the previous approval of the Chancellor, to make additional Statutes to provide for any matter not provided for by the first Statutes,

(b) to constitute provisional authorities and bodies and on their recommendations, to make rules providing for the conduct of the work of the University,

(c) subject to the control of the State Government, to make such financial arrangements as may be necessary to enable this Act or any part thereof to be brought into force,

- (d) with the sanction of the Chancellor, to make, for a period not exceeding three years, such appointment as may be necessary to enable this Act or any part thereof to be brought into force,
- (e) to appoint any committee as he may think fit to discharge such of his functions as he may direct, and
- (f) generally to exercise all or any of the powers conferred on the Board by or under the provisions of this Act.

#### CHAPTER XIV MISCELLANEOUS

Power to  
remove  
difficulties.

65. (1) If any difficulty arises as to the first constitution or reconstitution of any authority of the University after the coming into force of this Act or otherwise in first giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid as soon as may be, after it is made, before the State Legislature.

Repeal of  
Gujarat  
Agricultural  
University Act,  
1969.

66. (1) With effect on and from such date as the State Government may, by notification in the *Official Gazette*, appoint (hereinafter referred to in this section as "the appointed day"), the Gujarat Agricultural University Act, 1969 shall stand repealed and the following consequences shall ensue, that is to say--

Guj.  
13 of  
1969.

- (a) the Gujarat Agricultural University established and constituted for the State of Gujarat and functioning immediately before the appointed day shall, alongwith all its authorities, stand dissolved (hereinafter referred to as "the dissolved University") and all its officers specified in or declared under section 9 of the repealed Act shall be deemed to have vacated their office;
- (b) all land and all stores, articles and goods belonging to the dissolved University and situate in a University area shall pass to the University constituted for that area under this Act (hereinafter referred to as "new University"):

Provided that where the State Government is of the opinion that any goods or class of goods should be distributed otherwise than according to the situation of the



goods, the State Government may issue such directions as it thinks fit for a just and equitable distribution of the goods and the goods shall pass to the new Universities accordingly;

*Explanation.-* For the purposes of clause (b), "land" includes immovable property of every kind and any rights in or over such property ;

- (c) The constituent college specified in column 1 of Schedule II shall cease to be the constituent college of the dissolved University and shall become constituent college of the University mentioned against it in column 2 of the said Schedule;
- (d) the unexpended balance in the general fund and the foundation fund, whether deposited in a bank or invested in securities belonging to the dissolved University immediately before the appointed day, shall, subject to all charges and liabilities affecting the same, vest in the new Universities in such proportion and in such manner as the State Government may direct;
- (e) the liability of the dissolved University in respect of the provident fund account of an officer or employee of that University in service on the appointed day shall, as from that day, be the liability of the new University to which the officer or employee is allotted;
- (f) all debts and obligations incurred and all contracts made by or on behalf of the dissolved University before the appointed day and subsisting on that day shall, in so far as they relate to a University area, be the debts and obligations incurred by and the contracts made by the University constituted for that area:

Provided that where the State Government is of opinion that this clause is not applicable to any debt and obligation incurred or any contract made by or on behalf of the dissolved University, the State Government may issue such directions as it thinks fit for a just and equitable apportionment of the debts and obligations and contracts and the debts, obligations and contracts shall pass to the new Universities accordingly;

- (g) all officers and employees in the employment of the dissolved University immediately before the appointed day shall be allocated to the new Universities by the State Government in such manner as it may direct having regard to such principles as it may, by notification in the *Official*



*Gazette*, lay down, and until other provision is made in accordance with this Act, they shall receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject to immediately before the appointed day:

Provided that the conditions of service applicable immediately before the appointed day to any officer or employee allotted to the new University shall not be varied to his disadvantage except with the previous approval of the State Government.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 or any other law for the time being in force, a person, who has ceased to be an officer by virtue of clause (a) of sub-section (1) or an officer or servant of the dissolved University who is transferred to any of the new Universities as a result of the allotment made under clause (g) of sub-section (1), shall not be entitled to any compensation for such cesser or transfer, under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

14 of  
1947.

**SCHEDULE I**  
( See sub-section (20) of section 2 )

**UNIVERSITY AREA**

**PART I**  
**THE ANAND AGRICULTURAL UNIVERSITY**

1. Anand District,
2. Ahmedabad District,
3. Vadodara District,
4. Dahod District,
5. Panchmahals District,
6. Kheda District.

**PART II**  
**THE JUNAGADH AGRICULTURAL UNIVERSITY**

1. Amreli District,
2. Bhavnagar District,
3. Jamnagar District,
4. Junagadh District,
5. Porbandar District,
6. Rajkot District,
7. Surendranagar District.

**PART III**  
**THE NAVSARI AGRICULTURAL UNIVERSITY**

1. Bharuch District,
2. Dang District,
3. Narmada District,
4. Navsari District,
5. Surat District,
6. Valsad District.

**PART IV**  
**THE SARDAR KRUSHINAGAR DANTIWADA**  
**AGRICULTURAL UNIVERSITY**

1. Banaskantha District,
2. Gandhinagar District,
3. Kutch District,
4. Mehsana District,
5. Patan District,
6. Sabarkantha District.



**SCHEDULE II**

(See clause (c) of sub-section (1) of section 66)

<b>COLLEGE</b>	<b>UNIVERSITY</b>
<b>1</b>	<b>2</b>
Bansilal Amrutlal College of Agriculture, Anand.	The Anand Agricultural University.
College of Veterinary Science and Animal Husbandry, Anand.	The Anand Agricultural University.
Sheth Manshukhlal Chhaganlal College of Dairy Science, Anand.	The Anand Agricultural University.
College of Agriculture, Junagadh.	The Junagadh Agricultural University.
College of Agricultural Engineering and Technology, Junagadh.	The Junagadh Agricultural University.
College of Fisheries Science, Veraval.	The Junagadh Agricultural University.
Shri Navinchandra Mafatlal College of Agriculture, Navsari.	The Navsari Agricultural University.
Aspee College of Horticulture and Forestry, Navsari.	The Navsari Agricultural University.
Chimanbhai Patel College of Agriculture.	Sardar Krushinagar Dantiwada Agricultural University.
College of Veterinary Science and Animal Husbandry.	Sardar Krushinagar Dantiwada Agricultural University.
Aspee College of Home Science.	Sardar Krushinagar Dantiwada Agricultural University.

## STATEMENT OF OBJECTS AND REASONS

There is at present only Agricultural University in the State at Dantiwada called the Gujarat Agricultural University, functioning in four zones into which the State is divided. On account of there being only one Agricultural University, the spread of education in Agriculture is rather slow. In order to give fillip to the spread of education in agriculture, it is proposed to establish four Universities in place of the existing University, one each in every zone to be known as the Anand Agricultural University, the Junagadh Agricultural University, the Navsari Agricultural University and the Sardar Krishinagar, Dantiwada Agricultural University. This will enable each University to efficiently monitor education in agriculture in its area. The establishment of four Universities would encourage healthy competition amongst them not only in imparting education in agriculture but also in research in agriculture and extension education. There is need to have decentralization and that need would be fulfilled by establishment of four Universities as aforesaid. It is necessary to impart such education in agriculture and undertake such research in agriculture and extension education as to enable the agriculture in the State to meet the challenges of global competition. There is need to have center of excellence in each area and faculty of advance and higher education in agriculture for students in the State. The establishment of the Universities in the State will assist the State Government in organizing agriculture and animal husbandry on modern and scientific lines as envisaged in one of the directive principles of State Policy laid down in the Constitution.

This Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain some of the important provisions of the Bill:-

*Chapter I.*— This Chapter contains clauses 1 and 2 providing for the short title and commencement and definitions.

*Chapter II.*— This Chapter contains clauses 3 to 7 which relate to incorporation, territorial jurisdiction, powers, etc. of the University. Sub-clause (3) of clause 4 provides that all colleges, research and experimental stations or other institutions coming under the jurisdiction and authority of the University shall consist of constituent units of the University under the management and control of the University and affiliated units of the University.

*Chapter III.*— This Chapter contains clauses 8 to 16 relating to officers of the University, their powers, terms and conditions of service and duties and functions.



*Chapter IV.*— This Chapter contains clauses 17 to 24 which relate to the constitution of different authorities of the University, their powers, duties and functions.

*Chapter V.*— This Chapter contains clause 25 relating to the Council of State Agricultural Universities.

*Chapter VI.*— This Chapter contains clauses 26 and 27 relating to Agricultural Research Organisation and Agricultural Extension Education Organisation.

*Chapter VII.*— This Chapter contains clauses 28 to 30 relating to making of Statutes by the Board and Regulations by any authority of the University specified in sub-clauses (2), (3) and (4) or declared under sub-clause (5) of clause 17.

*Chapter VIII.*— This Chapter contains clauses 31 to 37 relating to affiliation of colleges and recognition of institutions.

*Chapter IX.*— This Chapter contains clauses 38 to 40 relating to Organisation within University area for Post Graduate Teaching.

*Chapter X.*— This Chapter contains clauses 41 to 45 relating to committees to be appointed by the University.

*Chapter XI.*— This Chapter contains clauses 46 to 49 relating to University finance.

*Chapter XII.*— This Chapter contains clauses 50 to 58 relating to certain supplementary provisions. Clause 50 relates to dismissal, removal, reduction and termination of service of staff of college, etc. Clauses 51 and 52 relate to provision of pension, insurance and provident fund. Clause 53 provides that officers and employees of the University shall be deemed to be public servants. Clauses 54 and 55 relate to the vacating of office by a member of any authority or body of the University and the filling up of vacancies in their offices. Clause 57 provides for reference of a dispute as to the constitution of the University, authority or body to the State Government and the finality of the decision of the State Government. Clause 58 relates to protection of all acts and orders of the University or any bodies, authorities or officers.

*Chapter XIII.*— This Chapter contains transitory clauses 59 to 64. Clauses 60 to 62 relate to appointment of the first Vice-Chancellor and the first Registrar and for the transitory powers of the first Vice-Chancellor. Clause 63 relates to the first appointment of the officers and teachers of the University. Clause 64 relates to extraordinary powers of the first Vice-Chancellor.



*Chapter XIV.*—This chapter contains miscellaneous clauses 65 and 66. Clause 65 provides for the power of the State Government to remove difficulties and clause 66 provides for the repeal of the Gujarat Agricultural University Act, 1969 and its consequences.

**BHUPENDRASINH CHUDASAMA**

### **FINANCIAL MEMORANDUM**

Para (a) of sub-clause (2) of *clause 46* of the Bill contemplates payment of contribution or grant to the University by the State Government.

*Clause 47* provides for making of a grant by the State Government as follows:—

- (i) a grant of an amount of not less than the estimated net expenditure on pay and allowances of the staff, contingencies and services of the University;
- (ii) a grant to meet with such additional items of expenditure, recurring and non-recurring, as the State Government may deem necessary for the proper functioning of the University.

During the current financial year i.e. 2003-04, the provision of Rs. 1920.00 lakh (Plan) and Rs. 7790.30 lakh (Non-Plan) have been made in the Budget, while for the financial year 2004-05 the provision of Rs. 4500.00 lakh (Plan) and Rs. 7638.00 lakh (Non-Plan) have been proposed for the functioning of the Gujarat Agricultural University. The expenditure for 2004-05 would be limited to the Budget provision approved by the Legislative Assembly.

In future also, the expenditure would be limited to the provision of financial year 2004-05.

**BHUPENDRASINH CHUDASAMA**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves delegation of legislative powers in the following respects :-

*Clause 1.*— Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which provisions other than section 1 shall come into force and also to appoint different dates for different provisions.

*Clause 5.*— Proviso to this clause empowers the Board of Management to prescribe the number of students and the academic or other qualifications to be possessed for the purposes of the proviso.

- Clause 6.*—
- (i) Sub-clause (7) of this clause empowers the concerned authority of the University to prescribe the manner in which approved courses of study are to be pursued, examinations to be passed and the conditions under which research is to be carried on by persons on whom the University may confer degrees, diplomas and other academic distinctions and to whom it may grant certificates;
  - (ii) Sub-clause (8) empowers the Board of Management to prescribe by Statutes the manner in which the University may withdraw or cancel any degree, diploma or certificate conferred or granted by the University;
  - (iii) Sub-clause (9) empowers the Board of Management to prescribe by Statutes the manner in which honorary degrees and other distinctions are to be conferred by the University;
  - (iv) Sub-clause (10) empowers the concerned authority of the University to determine, by Statutes and Regulations, the lectures, instructions and training to be provided to persons who are not enrolled students of the University and certificates to be granted to them;
  - (v) Sub-clause (23) empowers the Board of Management to prescribe by Statutes the fees and other charges to be fixed, demanded, received or recovered by the University.

*Clause 8.*— This clause empowers the Board of Management to prescribe by Statutes other officers in the service of the University to be officers of the University.

*Clause 9.*— Sub-clause (4) of this clause empowers the Board of Management to confer by Statutes other powers on the Chancellor.

*Clause 10.*— (i) Sub-clause (2)(a)(i) of this clause empowers the Board of Management to prescribe by Statutes the manner in which the Board of Management and the Academic Council shall jointly nominate one person on the committee and the manner in which the Vice-Chancellors of all the Agricultural Universities established by law in the State shall nominate another person on that committee;

(ii) sub-clause (3) of this clause empowers the Board of Management to prescribe by Statutes the time within which and the manner in which the committee shall select three persons whom it considers fit for being appointed as Vice-Chancellors and other particulars to be recommended by the committee to the Chancellor along with the names so selected;

(iii) Sub-clause (5) empowers the Board of Management to prescribe by Statutes the emoluments and the other terms and conditions of service of the Vice-Chancellor.

*Clause 11.*— Sub-clause (10) of this clause empowers the Board of Management to prescribe by Statutes other powers which the Vice-Chancellor may exercise.

*Clause 12.*— (i) This clause empowers the Board of Management to prescribe statutes, in accordance with which the Director of Research and Dean of Post Graduate Studies shall be appointed;

(ii) sub-clause (2) empowers the Board of Management to prescribe by Statutes qualifications, emoluments and the terms and conditions of service of the Director;

(iii) sub-clause (3) empowers the Board of Management to prescribe by Statutes the powers to be exercised and duties to be performed by the Director.

*Clause 13.*— (i) Sub-clause (1) of this clause empowers the Board of Management to prescribe by Statutes the manner in which the Dean of each Faculty shall be chosen;



- (ii) sub-clause (5) empowers the Board of Management to prescribe by Statutes the powers to be exercised and functions and duties to be performed by the Dean.

*Clause 14.—* (i) Sub-clause (1) of this clause empowers the Board of Management to prescribe Statutes in accordance with which the Director of Extension Education shall be appointed;

- (ii) sub-clause (2) empowers the Board of Management to prescribe by Statutes the qualifications, emoluments and the terms and conditions of service of the Director;

- (iii) sub-clause (3) empowers the Board of Management to prescribe by Statutes the powers to be exercised and functions and duties to be performed by the Director.

*Clause 15.—* (i) Sub-clause (2) of this clause empowers the Board of Management to prescribe by Statutes the qualifications, emoluments and the terms and conditions of service of the Registrar;

- (ii) sub-clause (3) empowers the concerned authority of the University to prescribe the powers to be exercised and duties to be performed by the Registrar.

*Clause 16.—* (i) Sub-clause (2) of this clause empowers the Board of Management to determine by Statutes the qualifications, emoluments and the terms and conditions of service of the officers;

- (ii) sub-clause (3) empowers the Board of Management to prescribe by Statutes the powers and duties of the officers.

*Clause 17.—* Para (5) of this clause empowers the Board of Management to declare by Statutes other bodies of the University to be authorities of the University.

*Clause 18.—* This clause empowers the Board of Management to prescribe by Statutes the manner of rotation in which the member shall be nominated by the Vice-Chancellor from amongst the Deans of Faculties and the daily and travelling allowances to which the nominated members of the Board shall be entitled.

*Clause 19.—* Para (c) of sub-clause (3) empowers the Board of Management to prescribe by Statutes the allowance to which a person invited shall be entitled for attending the meeting.

*Clause 20—* (i) Para (xxvii) of sub-clause (1) of this clause empowers the Board of Management to prescribe by Statutes the manner in which officers, teachers and other staff of the University shall be appointed by the Board of Management;

(ii) para (xxx) of the sub-clause (1) empowers the Board of Management to prescribe by Statutes the fees and other charges to be fixed, demanded and received;

(iii) para (xxxii) of the said sub-clause (1) empowers the Board of Management to make, amend or repeal the Statutes;

(iv) sub-clause (4) of this clause empowers the Board of Management to prescribe by Statutes the appointment of committees to carry out its administrative work and define their constitution, functions and tenures.

*Clause 21.—* (i) Para (v) of sub-clause (1) of this clause empowers the Board of Management to prescribe by Statutes the manner of rotation in which six members shall be nominated from amongst the Heads of Departments of the Faculties and the Research Scientists of the University;

(ii) sub-clause (2) empowers the Board of Management to prescribe by Statutes the period for which the Academic Council may co-opt the additional members.

*Clause 22.—* (i) Sub-clause (2) of this clause empowers the Board of Management to prescribe by Statutes the conditions subject to which the Academic Council shall exercise the powers and perform the duties specified in that clause;

(ii) para (iv) in sub-clause (2) empowers the Academic Council to make regulations relating to admission of students to the University and the number of students to be admitted;

(iii) para (viii) in sub-clause (2) empowers the Academic Council to make regulations relating to the courses of study leading to degrees, diplomas, certificates and other academic distinctions;

(iv) para (ix) in sub-clause (2) empowers the Academic Council to make regulations relating to the conduct of examinations;

(v) para (xiii) in the said sub-clause (2) empowers the Academic Council to make regulations regarding



examinations of the University and the conditions on which the students shall be admitted to them;

- (vi) para (xv) in the said sub-clause (2) empowers the Board of Management to make Statutes conferring other powers to be exercised and imposing other duties to be performed by the Academic Council.

*Clause 23.—* (i) Sub-clause (1) of this clause empowers the Board of Management to prescribe by Statutes other Faculties to be included in the University;

- (ii) sub-clause (2) empowers the Board of Management to prescribe by Statutes the subjects which each Faculty shall comprise of;

- (iii) sub-clause (3) empowers the Board of Management to prescribe by Statutes the constitution, powers and duties of the Faculties.

*Clause 24.—* (i) Sub-clause (1) of this clause empowers the Board of Management to prescribe by Statutes a subject or group of subjects for which there shall be a Board of Studies;

- (ii) sub-clause (2) empowers the Board of Management to prescribe the constitution of each Board and the term of office of its members;

- (iii) sub-clause (3) empowers the Board of Management to prescribe by Statutes the powers to be exercised and duties to be performed by each Board.

*Clause 25.—* Para (i) of sub-clause (7) of this clause empowers the State Government to specify, by notification in the *Official Gazette*, other functions of the Council of State Agricultural Universities.

*Clause 27.—* Para (e) of sub-clause (3) of this clause empowers the Board of Management to prescribe by Statutes other functions of the Agricultural Extension Education Organisation.

*Clause 29.—* This clause empowers the Board of Management to make the Statutes for the matters specified in clause 28 and also to amend, repeal or add to those Statutes.

*Clause 30.—* Sub-clause (1) of this clause empowers any authority of the University specified in Paras (2), (3) and (4) or declared under Para (5) of clause 17 to make regulations in respect of all matters for which regulations are to be made and also other matters concerning itself.



*Clause 31.*— Para (k) of sub-clause (2) of this clause empowers the Board of Management to specify by Statutes the other conditions in relation to affiliation.

*Clause 39.*— Sub-clause (2) of this clause empowers the State Government to declare, by notification in the *Official Gazette*, that the provisions of clause 40 shall come into force on such date as may be specified in the notification.

*Clause 40.*— (i) Sub-clause (3) of this clause empowers the Board of Management to prescribe by Statutes the relations of constituent colleges within the University area by which they shall be governed and to provide for the exercise by the University of the powers specified in the said sub-clause (3) in respect of the constituent colleges;

(ii) proviso to the said sub-clause (3) empowers the Academic Council to prescribe by regulations the manner in which a constituent college shall supplement education in agriculture and allied sciences, research in agriculture or programmes of extension education by tutorial or other instruction, teaching or training.

*Clause 41.*— Sub-clause (3) of this clause empowers the Board of Management to prescribe by Statutes the constitution of a committee for selection of University teachers, the term of office of its members and the procedure to be followed by it.

*Clause 42.*— Sub-clause (3) of this clause empowers the Board of Management to prescribe by Statutes the procedure to be followed by the Examiners' Committee.

*Clause 43.*— This clause empowers the Board of Management to make Statutes in accordance with which the other members of the Inspection Committee may be appointed.

*Clause 44.*— Sub-clause (2) of this clause empowers the Board of Management to prescribe by Statutes the constitution of College Development Committee, the term of office of its members and the procedure to be followed by the Committee.

*Clause 48.*— Sub-clause (2) of this clause empowers the Board of Management to prescribe by Statutes the date before which the Board of Management shall prepare the financial estimates for the ensuing year.

*Clause 49.*— This clause empowers the Board of Management to prescribe by Statutes the date on or before which the annual report of the University shall be prepared.

*Clause 51.*— This clause empowers the Board of Management to prescribe by Statutes the manner in which and the conditions subject to which a University shall make provision for the benefit of its officers, teachers and other servants in such matters as insurance, pension, provident fund, etc.

*Clause 52.*— Sub-clause (1) of this clause empowers the State Government to give directions by an order in writing in accordance with which the provident fund shall be deposited in the State Government Treasury.

*Clause 59.*— This clause empowers the Board of Management to prescribe by Statutes the period for which and the manner in which the University shall provide for instruction, teaching, training and examination of the students in accordance with the course of studies of the Gujarat Agricultural University.

*Clause 62.*— (i) Sub-clause (1) of this clause empowers the State Government to specify, by notification in the *Official Gazette*, longer period not exceeding one year within which the first Vice-Chancellor shall perform functions specified in that sub-clause;

(ii) sub-clause (2) of this clause empowers the first Vice-Chancellor —

(a) to make provisional Statutes necessary for constituting the authorities of the University and regulating the procedures at their meeting and the transaction of their business and to draw up any rules that may be necessary for regulating the method of constitution of the authority; and

(b) to frame the first Statutes and Regulations under the Act;

(iii) sub-clause (3) empowers the State Government to direct, by notification in the *Official Gazette*, the date or dates on which the authorities constituted under sub-clause (1) of this clause shall commence to exercise their functions.

*Clause 64.*— This clause empowers the first Vice-Chancellor to make additional Statutes to provide for any matters not provided for by the first Statutes and to make rules providing for the conduct of the work of the University until the Board of Management commences to exercise its functions.

*Clause 65.*— This clause empowers the State Government to make an order to remove any difficulty arising within the first three years



as to the first constitution or reconstitution of any authority of the University or in first giving effect to the provisions of the Act.

*Clause 66.—* (i) Sub-clause (1) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date with effect on and from which the Gujarat Agricultural University Act, 1969, shall stand repealed;

(ii) paragraph (g) of sub-clause (1) empowers the State Government to lay down, by notification in the *Official Gazette*, the principles having regard to which the State Government may direct the manner in which all officers and employees in the employ of the dissolved University shall be allocated to the new University.

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Gandhinagar,

Dated the 19<sup>th</sup> February, 2004.

**BHUPENDRASINH CHUDASAMA.**

By order and in the name of the Governor of Gujarat,

**S. S. PARMAR,**

Gandhinagar,

Dated the 20<sup>th</sup> February, 2004

Secretary to the Government of Gujarat  
Legislative and Parliamentary Affairs Department.

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Government Centra Press, Gandhinagar.





समयेव जयते

# The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XLV] FRIDAY, FEBRUARY 20, 2004/ PHALGUNA 1, 1925.

Separate paging is given to this Part in order that it  
may be filed as a Separate Compilation.

## PART - V

### Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bills published with the consent of the Speaker given under the proviso to rule 127A the Gujarat Legislative Assembly Rules:-

### THE GUJARAT PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) (AMENDMENT) BILL, 2004.

GUJARAT BILL NO. 6 OF 2004.

#### A BILL

*further to amend the Gujarat Public Premises (Eviction of  
Unauthorised Occupants) Act, 1972.*

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Public Premises (Eviction of Unauthorised Occupants)(Amendment) Act, 2004. Short title.
2. In the Gujarat Public Premises (Eviction of Unauthorised Occupants) Act, 1972, in section 2, in clause (j),- Amendment of section 2 of Guj. 12 of 1973.
  - (a) in sub-clause (iii), the word "and" occurring at the end shall be deleted;
  - (b) in sub-clause (iv), the word "and" shall be added at the end; and
  - (c) after sub-clause (iv), the following sub-clause shall be inserted, namely:-

Guj.12 of 1973.

Bom. 29 of 1950.

"(v) a public trust registered under the Bombay Public Trust Act, 1950, as the State Government may, by notification in the *Official Gazette*, declare the premises of such trust to be of national importance or historical interest."

**STATEMENT OF OBJECTS AND REASONS**

It is considered necessary to apply the provisions of the Gujarat Public Premises (Eviction of Unauthorised Occupants) Act, 1972, to the premises belonging to, or taken on lease by or on behalf of a public trust registered under the Bombay Public Trust Act, 1950, as the State Government may, by notification in the *Official Gazette*, declare the premises of such trust to be of national importance or historical interest so as to enable a public trust to evict unauthorised occupants of their premises in the summary manner provided in the Act, without taking recourse to law courts. This Bill seeks to amend the definition of "public premises" in the said Act to achieve the aforesaid object.

**INDRAVIJAYSINH JADEJA**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves delegation of legislative powers in the following respects:-

*Clause 2.-* Sub-clause (v) proposed to be inserted in clause (f) of section 2 of the Act empowers the State Government to declare by notification in the *Official Gazette*, the premises of a public trust to be of national importance or historical interest.

The delegation of legislative power as aforesaid is necessary and of a normal character.

Gandhinagar,  
Dated the 19<sup>th</sup> February, 2004.

**INDRAVIJAYSINH JADEJA .**

By order and in the name of the Governor of Gujarat,

Gandhinagar,  
Dated the 20<sup>th</sup> February, 2004

**S. S. PARMAR,**  
Secretary to the Government of Gujarat  
Legislative and Parliamentary Affairs Department

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Government Centra Press, Gandhinagar.



समर्थवचयते

# The Gujarat Government Gazette

## EXTRAORDINARY

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TUESDAY, FEBRUARY 24, 2004/PHALGUNA 5, 1925

Separate paging is given to this Part in order that it  
may be filed as a Separate Compilation.

### PART - V

#### Bills introduced in the Gujarat Legislative Assembly.

To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127 A of the Gujarat Legislative Assembly Rules :-

#### THE GUJARAT APPROPRIATION (VOTE ON ACCOUNT)

BILL, 2004.

GUJARAT BILL NO. 7 OF 2004

A BILL

*to authorise withdrawal of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of a part of the financial year ending on the thirty-first day of March, 2005.*

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Appropriation (Vote on Account) Act, 2004.

Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of ten thousand one hundred sixty-five crore, ninety-six lakh, twenty-nine thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2004-05.

Withdrawal of  
Rs.  
1,01,65,96,29,000  
from and out of  
the Consolidated  
Fund of the State  
of Gujarat for the  
financial year  
2004-2005.

3. The sums authorised to be withdrawn from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appropriation.



## SCHEDULE

( See sections 2 and 3 )

No. of Vote/ Appro- priation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
			Rs.	Rs.	Rs.
1	Agriculture and Co-operation Department	Revenue	35613000		35613000
2	Agriculture	Revenue	1156214000		1156214000
		Capital	4967000		4967000
3	Minor Irrigation, Soil Conservation and Area Development	Revenue	169317000		169317000
		Capital	3000		3000
4	Animal Husbandry and Dairy Development	Revenue	234864000		234864000
5	Co-operation	Revenue	121026000		121026000
		Capital	24633000		24633000
6	Other expenditure pertaining to Agriculture and Co-operation Department	Capital	30805000		30805000
7	Education Department	Revenue	9732000		9732000
8	Education	Revenue	12067495000	393717000	12461212000
9	Other expenditure pertaining to Education Department	Revenue	3725000		3725000
		Capital	108458000		108458000
10	Energy and Petro-chemicals Department	Revenue	6295000		6295000
11	Tax Collection Charges (Energy and Petro-chemicals Department)	Revenue	19823000		19823000
12	Energy Projects	Revenue	5882164000	7500000	5889664000
		Capital	748877000		748877000
13	Other expenditure pertaining to Energy and Petro-chemicals Department	Revenue	500000		500000
		Capital	19167000		19167000
14	Finance Department	Revenue	22670000		22670000
		Capital	300000		300000
15	Tax Collection Charges (Finance Department)	Revenue	221085000		221085000
16	Treasury and Accounts Administration	Revenue	126437000		126437000

No. of Vote/ Appro- priation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
17	Pension and other retirement benefits.	Revenue	4538157000	333000	4538490000
18	Other expenditure pertaining to Finance Department	Revenue	1165663000		1165663000
		Capital	11762000	33000	11795000
19	Repayment of debt pertaining to Finance Department and its servicing	Revenue		19133297000	19133297000
		Capital		7951527000	7951527000
20	Food, Civil Supplies and Consumer Affairs Department	Revenue	23608000		23608000
21	Civil Supplies	Revenue	465215000		465215000
22	Food	Revenue	39901000		39901000
		Capital	667000		667000
23	Other expenditure pertaining to Food, Civil Supplies and Consumer Affairs Department	Capital	1633000		1633000
24	Forest and Environment Department	Revenue	6117000		6117000
25	Forests	Revenue	376888000		376888000
		Capital	288807000		288807000
26	Environment	Revenue	10467000		10467000
27	Other expenditure pertaining to Forest and Environment Department	Capital	15675000		15675000
28	Governor	Revenue		7808000	7808000
29	Council of Ministers	Revenue	4917000		4917000
30	Elections	Revenue	242836000		242836000
31	Public Service Commission	Revenue	2442000	9148000	11590000
32	General Administration Department	Revenue	80116000		80116000

No. of Vote/ Appro- priation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
33	Economic Advice and Statistics	Revenue	23172000		23172000
34	Other expenditure pertaining to General Administration Department	Revenue Capital	689813000 4144388000	213000	690026000 4144388000
35	State Legislature	Revenue	28633000	425000	29058000
36	Loans and Advances to Government Servants in Gujarat Legislature Secretariat	Capital	669000		669000
37	Health and Family Welfare Department	Revenue	12133000		12133000
38	Medical and Public Health	Revenue	2248591000		2248591000
39	Family Welfare	Revenue	401054000		401054000
40	Other expenditure pertaining to Health and Family Welfare Department	Revenue Capital	465000 20023000		465000 20023000
41	Home Department	Revenue	15367000		15367000
42	Police	Revenue	2436250000		2436250000
43	Jails	Revenue	76595000		76595000
44	Transport	Revenue Capital	646540000 680367000		646540000 680367000
45	State Excise	Revenue	16387000		16387000
46	Other expenditure pertaining to Home Department	Revenue Capital	156473000 154233000	100000	156573000 154233000
47	Industries and Mines Department	Revenue	18740000		18740000
48	Stationery and Printing	Revenue	115591000		115591000
49	Industries	Revenue Capital	808209000 835067000		808209000 835067000
50	Mines and Minerals	Revenue	69542000		69542000
51	Tourism	Revenue	26938000		26938000



No. of Vote/ Appro- priation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
52	Other expenditure pertaining to Industries and Mines Department	Revenue Capital	22083000 18837000		22083000 18837000
53	Information and Broadcasting Department	Revenue	1810000		1810000
54	Information and Publicity	Revenue	74237000		74237000
55	Other expenditure pertaining to Information and Broadcasting Department	Revenue Capital	9440000 2933000		9440000 2933000
56	Labour and Employment Department	Revenue	7858000		7858000
57	Labour and Employment	Revenue	347210000		347210000
58	Other expenditure pertaining to Labour and Employment Department	Capital	18640000		18640000
59	Legal Department	Revenue	7385000		7385000
60	Administration of Justice	Revenue	420180000	54525000	474705000
61	Other expenditure pertaining to Legal Department	Revenue Capital	38952000 9685000		38952000 9685000
62	Legislative and Parliamentary Affairs Department	Revenue	6140000		6140000
63	Other expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	235000		235000
64	Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	18073000		18073000
65	Narmada Development Scheme	Capital	2697996000		2697996000
66	Irrigation and Soil Conservation	Revenue Capital	7623731000 831752000		7623731000 831752000
67	Water Supply	Revenue Capital	505930000 1443755000		505930000 1443755000

No. of Vote/ Appro- priation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
68	Other expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department	Capital	46933000		46933000
69	Panchayats, Rural Housing and Rural Development Department	Revenue	10165000		10165000
70	Community Development	Revenue	903654000		903654000
71	Rural Housing and Rural Development	Revenue	1116040000	469864000	1585904000
		Capital	1000		1000
72	Compensation and Assignments	Revenue	230934000		230934000
73	Other expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	302228000		302228000
		Capital	67683000		67683000
74	Fisheries	Revenue	119935000		119935000
		Capital	7827000		7827000
75	Other expenditure pertaining to Ports and Fisheries Department	Revenue	2983000		2983000
		Capital	1033000		1033000
76	Revenue Department	Revenue	28639000		28639000
77	Tax Collection Charges (Revenue Department)	Revenue	186408000		186408000
78	District Administration	Revenue	222248000		222248000
79	Relief on account of natural calamities	Revenue	1263800000		1263800000
80	Dangs District	Revenue	66272000		66272000
81	Compensation and Assignments	Revenue	76893000	491000	77384000
		Capital	1604000	67000	1671000
82	Other expenditure pertaining to Revenue Department	Revenue	2443000		2443000
		Capital	12543000		12543000
83	Roads and Buildings Department	Revenue	20507000		20507000

No. of Vote/ Appro- priation	Services and purposes		Summs not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
84	Non-Residential Buildings	Revenue	648470000	333000	648803000
		Capital	264958000		264958000
85	Residential Buildings	Revenue	203369000		203369000
		Capital	43217000		43217000
86	Roads and Bridges	Revenue	1638602000		1638602000
		Capital	1965992000		1965992000
87	Gujarat Capital Construction Scheme	Revenue	27256000		27256000
		Capital	86833000		86833000
88	Other expenditure pertaining to Roads and Buildings Department	Revenue	33143000		33143000
		Capital	18792000		18792000
89	Science and Technology Department	Revenue	109068000		109068000
90	Other expenditure pertaining to Science and Technology Department	Revenue	113353000		113353000
		Capital	34305000		34305000
91	Social Justice and Empowerment Department	Revenue	7237000		7237000
92	Social Security and Welfare	Revenue	640411000	2667000	643078000
		Capital	6009000		6009000
93	Welfare of Scheduled Tribes	Revenue	221056000		221056000
		Capital	5833000		5833000
94	Other expenditure pertaining to Social Justice and Empowerment Department	Capital	4658000		4658000
95	Special Component Plan for Scheduled Castes	Revenue	944486000		944486000
		Capital	47800000		47800000
96	Tribal Area Sub-Plan	Revenue	2858151000		2858151000
		Capital	446135000		446135000
97	Sports, Youth and Cultural Activities Department	Revenue	3500000		3500000
98	Youth Services and Cultural Activities	Revenue	86925000		86925000
99	Other expenditure pertaining to Sports, Youth and Cultural Activities Department	Capital	1677000		1677000
100	Urban Development and Urban Housing Department	Revenue	5170000		5170000



No. of Vote/ Appro- priation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
101	Urban Housing	Revenue	36834000	184334000	221168000
102	Urban Development	Revenue	1251010000		1251010000
		Capital	1017000		1017000
103	Compensation, Assignments and Tax Collection Charges	Revenue	206667000	66701000	273368000
104	Other expenditure pertaining to Urban Development and Urban Housing Department	Revenue	3620000		3620000
		Capital	1971000		1971000
105	Women and Child Development Department	Revenue	1733000		1733000
106	Other expenditure pertaining to Women and Child Development Department	Revenue	693368000	1667000	695035000
		Capital	337000		337000
Total:		Revenue	58193387000	20333123000	78526510000
		Capital	15181492000	7951627000	23133119000
Grand Total :			73374879000	28284750000	101659629000

**STATEMENT OF OBJECTS AND REASONS**

This Bill is introduced in pursuance of clause (2) of article 206 of the Constitution of India, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys required to meet the expenditure charged on the Consolidated Fund of the State of Gujarat and the grants made in advance by the Legislative Assembly in respect of the estimated expenditure for a part of the financial year ending on the 31<sup>st</sup> March, 2005.

The amounts are shown below :-

Rs.

(a)	Revenue Expenditure	78526510000
(b)	Capital Expenditure	23133119000
Total :		<hr/> 101659629000 <hr/>

Gandhinagar,  
Dated the 24<sup>th</sup> February, 2004.

**VAJUBHAI VALA.**

By order and in the name of the Governor of Gujarat,

Gandhinagar,  
Dated the 24<sup>th</sup> February, 2004.

**S.S. PARMAR,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

Government Central Press, Gandhinagar.



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# The Gujarat Government Gazette

## EXTRAORDINARY

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### PART - V

Bills introduced in the Gujarat Legislative Assembly.

The following Bill which was introduced on the 24th February, 2004 by Shri Mohammed Farooq Shaikh M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

GUJARAT BILL NO. 8 OF 2004.

### THE GUJARAT LEGISLATIVE ASSEMBLY AMENITIES TO FORMER MEMBERS BILL, 2004

A BILL

*to provide for certain amenities to the former members of the Gujarat Legislative Assembly and certain matters connected therewith.*

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Legislative Assembly Amenities to former members Act, 2004. Short title and commencement.

(2) It shall come into force at once.

2. In this Act, unless the context, otherwise requires—

Definitions.

- (1) 'Assembly' means the Gujarat Legislative Assembly.
- (2) 'Former members' means the persons who were members of the Gujarat Legislative Assembly in the past.
- (3) 'Member' means the member of the Gujarat Legislative Assembly.
- (4) 'Speaker' means the Speaker of the Gujarat Legislative Assembly.
- (5) 'Term of office' in relation to a member means the date beginning with his due election to the Gujarat Legislative Assembly and ending with the date on which his seat becomes vacant.



3. Every member of the Gujarat Legislative Assembly shall after the expiration of term of his office as such, be entitled to the following amenities and facilities, namely :-

Amenities.

- (1) Free traveling facilities in the State of Gujarat in the State owned transport buses.
- (2) Re-imbursement of fifty percent of travel fare by Railway for the journey performed within the State of Gujarat.
- (3) Re-imbursement of fifty percent of travel fare by Railway for the journey performed out side the State of Gujarat. Subject to the limitations of kilometres laid down for the members of Gujarat Legislative Assembly under the Provisions of Gujarat Legislative Assembly Members Salaries & Allowances Act, 1960.
- (4) Free of Charge medical treatment and accommodation in hospitals maintained by the State Government.

Provided that the aforesaid Amenities facilities shall be provided to the member, his spouse and a members of his family residing with or dependent on him.

4. The Committee on Pay and Allowances to the Members of the Gujarat Legislative Assembly constituted by the Speaker and in the case of non-existence of such Committee the Speaker shall make rules for carrying out the purposes of this Act.

Power to make Rules.

### STATEMENT OF OBJECTS AND REASONS

The members of the Gujarat Legislative Assembly is entitled to certain facilities like Salaries and Allowances, daily allowance, Traveling allowance, free transit by rail and road with spouse, telephone facilities, residential accommodation, personal assistant allowance, free medical treatment, postal and stationary charges etc. during the term of their office as such member. When they ceases to be a member of the Gujarat Legislative Assembly, they are not entitled to these facilities and amenities. This Bill seeks to provide for certain facilities like travel & medical facilities to them taking into consideration their status and role in the society for the service of the people at large as ex-members. Such facilities are also provided to the former members in some of the States in India.

Hence this Bill.

Gandhinagar.

Dated : 22nd March, 2003.

MOHAMMED FAROOQ SHAIKH

M.L.A.

### FINANCIAL MEMORANDUM

Clause 3 of the Bill Provides for free traveling facilities fifty percent of the rail transit facilities and free medical treatment facilities to the former members, his spouse and members of the family. This would involve from the consolidated fund of the State a recurring expenditure of about Rs. 1 crore every year.

Gandhinagar.

Dated : 22nd March, 2003.

MOHAMMED FAROOQ SHAIKH

M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Committee on Pay and Allowances to the Members of the Gujarat Legislative Assembly and in its absence the Speaker of the Gujarat Legislative Assembly to make rules for carrying out the purposes of the Act.

Gandhinagar.  
Dated : 22nd March, 2003.

MOHAMMED FAROOQ SHAIKH  
M.L.A.

Gandhinagar,  
Dated 24<sup>th</sup> February, 2004

D. M. PATEL,  
Secretary,  
Gujarat Legislative Department.

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GOVERNMENT CENTRAL PRESS, GANDHINAGAR.



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### PART—V

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The following Bill which was introduced on the 24th February, 2004 by SHRI BHARATBHAI PANDYA, M. L. A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

**GUJARAT BILL NO. '9' OF 2004**

**THE ADHYA SANKARACHARYA SANSKRIT  
UNIVERSITY BILL, 2004**

### A BILL

*to establish and incorporate a teaching and affiliating University in the  
State of Gujarat to be known as the Adhya Sankaracharya  
Sanskrit University.*



It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows :-

**CHAPTER-I.**  
**PRELIMINARY**

Short  
title  
and  
commen-  
cement.

1. (1) This Act may be called the Adhya Sankaracharya Sanskrit University. Act, 2004.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Defini-  
tions.

2. In this Act, unless the context otherwise requires,—

(1) “academic service unit ” means university academic staff college, computer centre, university printing press, or any other unit providing specialised services for the promotion of any of the objectives of the university;

(2) “ adjunct professor ”, “ adjunct -reader ” or “ adjunct lecturer ” means a person from any university, college, institute or research centre of learning in Sanskrit or any other allied field, industry, trade, agriculture, commerce, defence or any other field who is so designated during the period of collaboration or association with the university;

(3) “ affiliated college ” means a college which has been granted affiliation by the university;

(4) “ authorities ” means the authorities of the university as specified by or under this Act;

(5) “bodies” means the bodies of the university formed by the respective authorities;

(6) “ collaboration” means collaborative academic activity of the university with other universities, academic institutions (local, regional, national or international), resarch institutions and organisations (research, agriculture, industry trade, commerce and defence);

(7) “college” means a college conducted by the university, or affiliated to the university;

(8) “ conducted college ” means a college maintained and managed by the university;

(9) "department" means a department teaching a particular subject or a group of subjects in a college as prescribed in the Statute;

(10) "Director" means a head of an institution including a centre, or a school of the university as designated by the *Vyavasthapan Parishad*;

(11) "Director of Higher Education", "Director of Medical Education and Research", "Director of Ayurved", "Director of Physical Education" and "Director of Technical Education" means, respectively, Director of Higher Education, Gujarat State, Director of Medical Education and Research, Gujarat State, Director of Ayurved, Gujarat State and Director of Physical Education, Gujarat State, Director of Technical Education, Gujarat State;

(12) "Head of the university Department" means a teacher so designated by the *Kulaguru* who shall be principally responsible for the teaching and research in the department;

(13) "higher education" means the pursuit of knowledge, beyond learning at the stage of school education;

(14) "hostel" means a place of residence for the students of the university or affiliated college provided, maintained or recognised by the university;

(15) "institution" means an academic institution of higher learning, not being a college, associated with and admitted to the privileges of the university;

(16) *Kuladhipati*, *Kulaguru* and *Sama- Kulaguru* means, respectively, the Chancellor, the Vice-Chancellor and the Pro-Vice-Chancellor of the university;

(17) "local managing committee" means a committee constituted for a college under the provisions of this Act;

Bom.  
XXX  
of  
1950  
21  
of  
1980.

(18) "management" means the trustees or the managing or governing body, by whatever name called, of any trust registered under the Bombay Public Trusts Act, 1950 (or any society registered under the Societies Registration Act, 1860) under the management of which one or more colleges or recognised institutions or other institutions are conducted and admitted to the privileges of the university;



Provided that, in relation to any college or institution established or maintained by the Central Government or the State Government or a local authority like a *District Panchayat*, municipal council or the municipal corporation, it means, respectively, the Central Government or the State Government or *District Panchayat* or the municipal council or the municipal corporation, as the case may be;

(19) "Other Backward Classes" means and includes persons belonging to such classes or groups within such classes as adopted by the State Government to be the other backward classes;

(20) "*Pathashala*" means a *Pathashala* recognised by the Government of Gujarat, other State Governments or the Central Government;

(21) "post-graduate department" means a department in a college or institution of higher learning, research or specialised studies, recognised to be so by the university and imparting post-graduate instruction or guidance for research;

(22) "prescribed" means prescribed by Statutes or Ordinance or Regulations or rules, as the case may be, made under this Act;

(23) "principal" means a head of a college, specialised educational institution, post-graduate centre or other recognised institution duly approved by the university;

(24) "recognised institution" means an institution of higher learning, research or specialised studies, other than an affiliated college, and recognised to be so by the university;

(25) "registered graduate" means a graduate of a university registered or deemed to be registered by or under this Act with the university;

(26) "Scheduled Castes" means such castes, races or tribes or parts of, or groups within, such castes, races or tribes as are deemed to be Scheduled Castes, in relation to the State of Gujarat under article 341 of the Constitution of India;

(27) "Scheduled Tribes" means such tribes or tribal communities or parts of, or groups within, such tribes or tribal communities as are deemed to be Scheduled Tribes in relation to the State of Gujarat under article 342 of the Constitution of India residing in any part of the State of Gujarat and, for the purposes of this Act, includes Denotified and Nomadic Tribes;

(28) "school" means a school of studies maintained by the university;



(29) "Statutes", "Ordinances" and "Regulations" means, respectively, the Statutes, Ordinances and Regulations of the university made under this Act;

(30) "teacher" means full-time approved professor, associate professor, assistant professor, reader, lecturer, librarian, Director or Instructor of Physical Education in any university department or conducted or affiliated college, or recognised institution, school or *Pathashala* in the university;

(31) "university" means the Adhya Sankaracharya Sanskrit University incorporated under section 3 of this Act;

(32) "university department" means a department established and maintained by the university;

3 of  
1956.

(33) "University Grants Commission" means the University Grants Commission established under the University Grants Commission Act, 1956;

(34) "university institution" means a centre, a school, or an institute established and maintained by the university;

(35) "university teacher" means a teacher appointed by the university.

## CHAPTER II.

### THE UNIVERSITY.

3. (1) The *Kuladhipati* (Chancellor), the *Kulaguru* (Vice-Chancellor), the members of the *Vyavasathapana Parishad* (Management Council), the members of the *Vidvat Parishad* (Academic Council), for the time being holding office as such and all persons who may hereafter be appointed or elected as such officers or as members are hereby constituted and declared to be a body corporate by the name of "the *Adhya Sankaracharya Sanskrit University*." and shall have perpetual succession and a common seal and may by that name sue and be sued.

Incorporation of  
University.

(2) The headquarter of the university shall be at Ahmedabad.

(3) The university shall be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer or dispose of any movable or immovable property, which may vest in or be acquired by it for the purposes of the university, and to contract and do all other things necessary for the purposes of this Act;

Provided that, no such lease, sale or transfer of any immovable property shall be made without the valuation made thereof by the approved valuer

appointed by the university and without the prior consent of the State Government.

Jurisdiction and admission to privileges of university.

4. (1) The territorial limits, within which the powers conferred upon the university by this Act shall be exercised, shall comprise the State admission of Gujarat.

Provided that, the university may, subject to such conditions and restrictions as it and the State Government may think fit to impose, admit any college, institution or research centre established beyond the territorial limits within or without India, to the privileges of the university, with the approval of the State Government and wherever necessary, the Central Government :

Provided further that if a university, the jurisdiction of which is not restricted to any State or area, wishes to establish a centre or other unit of research in the university area, it may do so with the sanction of the university and the State Government.:

(2) Save as otherwise provided by or under this Act, any privilege enjoyed by any educational institution within the area of another university in the State before the date on which this Act comes into force, shall not be withdrawn, without the permission of the State Government.

(3) The university may, in the interest of learning in Sanskrit, start or conduct a college or research institution or *apathashala* in any territory outside the State of Gujarat, with the approval of the Government concerned.

(4) No educational institution affiliated to or recognised by the university shall be associated in any way with, or seek admission to any privileges of, any other university established by law, except with the permission of the university and the State Government.

University open all.

5. (1) No citizen of India shall be excluded from any office of the university or from membership of any of its authorities, bodies or committees, or from appointment to any post, or from admission to any degree, diploma, certificate or other academic distinction or course of study on the ground only of sex, race, creed, class, caste, place of birth, religious belief or profession, or political or other opinion :

Provided that, the university may maintain, accredit or recognise any college or institution exclusively for women, or reserved for women.

(2) The university shall adopt Government policy and orders issued, from time to time, in regard to the reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes for appointment of different posts of teachers and non-teaching officers and employees and for the purpose of admission of students in the affiliated or conducted colleges, university departments, university institutions, or recognised institutions, or schools and *pathashalas*.

(3) The university shall adopt the general policy of the State Government in regard to the welfare of various categories of weaker sections of the society and minorities as directed by the State Government from time to time.

6. The objects of the Sanskrit Vishvavidyalaya (University) shall be—

objects of  
Univer-  
sity.

(1) to rejuvenate, cherish and disseminate the universal values, knowledge, wisdom and vision presented in Sanskrit language and literature and establish a progressive synthesis between ancient Indian wisdom and modern scientific thought in harmony with the needs of today and tomorrow;

(2) to develop and promote a system of education which aims at refining human 'sensitivities and perceptions that contribute to national cohesion, a scientific temper and independence of mind and spirit with special emphasis on —

(a) sublime relationship between the teacher and the taught (*Guru-Shishya Parampara* — the noble Indian tradition indicative of a sense of deep gratitude and reverence towards Acharayas who conferred the bliss of fulfilment on their disciples in pursuit of learning, in quest of Truth);

(b) innovative methods of studies and experimentation in which true spirit of curiosity search for knowledge (*Jignyasha*) and self-discipline (*Svayam-Shasana*) are fundamental components; and

(c) development of faculties, not only of empirical and rational views but also of higher levels of consciousness that unifies the two;

(3) to encourage and promote innovation, research and discovery in all fields of Sanskrit learning which aims at linking the past with the present and enables the nation to meet the challenges of the future;

(4) to develop as a Light House to imbibe the integrated (holistic) vision of life through inter-disciplinary approach; and impart this vision to the teachers' community and key-persons working in other fields for reawakening and regeneration of India;

(5) to prepare bands of *Acharyas* imbued with wisdom and vision of the *Vedas* who are equally well conversant with *Shad-darshanas*, Western philosophy and modern 'science culture' to champion the cause of India's Mission in the world;

(6) to create and develop facilities for the comparative study of religion, philosophy and sciences in the Vedic, Buddhist, Jain and Avestan literature;

(7) to prepare and conduct special courses to integrate the *Ayurveda* with modern medicine, the *Vastu Shastra* with modern architecture, the *Arthashastra* with modern economics and political science, the *Vyakarana*



with modern philology and linguistics, and so on;

(8) to introduce and conduct a foundation course in Sanskrit for those who are desirous of learning Sanskrit; and design special courses like 'Communicative Sanskrit', 'Wit and wisdom in Sanskrit', 'Sweetness and Light in Sanskrit', 'Arts and Architecture in Sanskrit', 'the Vedic vision', 'the Ayurveda and health awareness', 'Sanskrit as a computer language' etc. for popularising Sanskrit language and literature;

(9) to provide facilities for advanced studies and research in *Pali*, *Prakrit*, *Ardhamagadhi* and other Indian classical languages; and also other classical languages like Greek, Latin, Avestan, Old Persian, etc. and foreign languages like English, French, German, Russian, Chinese, Japanese, Tibetan, etc. and encourage comparative study of these languages along with Sanskrit;

(10) to promote better interaction and co-ordination among Sanskrit *Pathashalas* to make the study of traditional type of Sanskrit teaching-learning more purposeful, and to effect a fusion between traditional and modern systems of Sanskrit education;

(11) to prepare and publish learning-teaching materials (including audio-visual materials) relevant to the studies;

(12) to undertake projects, organise all such other activities and programmes as may be necessary for the attainment of all or any of the objectives of the university.

Powers  
and duties  
of  
University.

7. The university shall have the following powers and perform the following duties, namely:—

(1) to provide for instruction, teaching and training in such branches of learning and courses of study as the university may, from time to time, determine;

(2) to make provision for research and for the advancement and dissemination of knowledge, and generally to cultivate and promote the studies in Sanskrit and other branches of learning and culture and their inter disciplinary areas;

(3) to make provision to enable the conducted and affiliated colleges and recognised institutions to undertake specialised studies;

(4) to organise, maintain and manage university departments, laboratories, libraries, museums and equipments for teaching and research;

(5) to establish, maintain and manage departments and institutions of research, of specialised studies or of academic services unit;

(6) to establish, maintain and manage colleges, institutions, hostels, health centres, auditoria and gymnasiums;

(7) to provide for establishment, on the university campus, of autonomous institutions like inter-university centres, research laboratories, modern instrumentation centres and centres of learning, set up by the University Grants Commission, Central Government or State Government, which may be used by a university or college or 'group of universities or colleges :

Provided that, in the case of any industry or any non-Government organisations availing themselves of such facility of a university or such organisations providing the facility to a university, prior approval of the State Government shall be obtained by the university;

(8) to provide for establishment of sub-campuses for serving a group of affiliated colleges, and also to provide for and maintain common resources centres in such sub-campuses in the form of libraries, laboratories, computer centres, and such other like centres of learning;

(9) to create posts of *sanchalakas*, principals, professors, readers, lecturers and other teaching or non-vacation academic posts with appropriate designations required by the university and to prescribe their qualifications and make appointments thereto;

(10) to appoint or recognise persons as adjunct professors, adjunct readers, adjunct lecturers, visiting professors, visiting fellows of the university for specified periods;

(11) to create non-teaching skilled, administrative, organisational, ministerial and other posts and prescribe their qualifications and pay-scales and to make appointments thereto;

(12) to facilitate mobility of teachers within the university and to other universities with the consent of the teacher concerned;

(13) to prescribe the courses of instruction and studies for the various examinations leading to specific degrees and diplomas or certificates;

(14) to make provision, wherever feasible, in the university departments, affiliated colleges, institutions, recognised institutions, and schools, for survey and collection of statistics, data and other particulars relevant to various developmental activities including State and National plans, evaluation of the developmental schemes with the participation of the students as a part of their curricular activities;

(15) to supervise, control and regulate admission of students for various courses of study in university departments, conducted and affiliated colleges, institutions, schools and recognised institutions;

(16) to guide teaching in colleges by deputation of teachers from a pool of teachers of the university and supplement teaching in affiliated colleges, schools and *pathashalas* for improving their standards;



(17) to institute degrees, diplomas, certificates and other academic distinctions on the basis of examinations or by other tests or otherwise;

(18) to hold examinations and confer degree and post-graduate degrees and award diplomas and certificates and other academic distinctions on persons as prescribed;

(19) to hold examinations, confer degrees, diplomas and certificates to, and provide for lectures, instruction and training for external students, and the students under correspondence and distance education, open university and continuing education courses;

(20) to confer honorary degrees or other academic distinctions as prescribed;

(21) to lay down the conditions of affiliation of colleges and recognition of institutions taking into account the credibility of the management and the norms of academic performance of colleges, faculties and subjects, as may be laid down, from time to time, and satisfy itself by periodical assessment;

(22) to admit to the privileges of the university, affiliated colleges, institutions, and *Pathashalas* not maintained by the university and withdraw all or any of those privileges and recognise hostels not maintained by the university and withdraw such recognition, tempo rarely or permanently;

(23) to monitor and evaluate the academic performance of affiliated colleges, recognised institutions, schools, and *pathashalas* for affiliation and periodical accreditation;

(24) to inspect, wherever necessary, affiliated colleges, recognised institutions, and *pathashalas* through suitable machinery established for the purpose, and take measures to ensure that proper standards of instruction, teaching and training are maintained by them, and adequate library, laboratory, workshop and other academic facilities are provided for;

(25) to hold and manage trusts and endowments, and institute and award fellowships, travelling fellowships, scholarships, studentship, medals and prizes for teachers and students of the university colleges, schools and *pathashalas*;

(26) to fix, demand and receive or recover such fees and other charges as prescribed;

(27) to supervise, control and regulate the conduct and discipline of the students of the university, affiliated colleges, institutions, recognised institutions, schools, *pathashalas* and hostels;

(28) to provide for mobility of students from formal to non-formal stream and vice-versa;



(29) to provide facilities for revision or inservice courses for teachers of the university, colleges, schools, *pathashalas* and institutions;

(30) to make arrangements for promoting welfare of the employees of the university;

(31) to co-ordinate and regulate teaching and research in the affiliated colleges, schools, *pathashalas* and recognised institutions;

(32) to provide for periodical assessment of the performance of teachers and non-teaching employees of the colleges, *schools*, *pathahalas*, institutions and university as prescribed;

(33) to regulate and provide for attendance of the teachers on the premises of the university, colleges, institutions, schools *and pathashalas* during teaching hours and beyond teaching hours, as prescribed and to prohibit teachers from taking or conducting private tuition or private coaching classes;

(34) to provide for conduct and discipline rules for teaching and non-teaching staff and the enforcement thereof;

(35) to prescribe code of conduct for managements;

(36) to establish, maintain and manage, whenever necessary,—

(a) a printing and publication department;

(b) university extension boards;

(c) information bureaus;

(d) such other activities as may be necessary and possible to fulfil the objectives of the university;

(37) to co-operate or collaborate with any other university, institution, authority or organisation for research and advisory services and for such purposes to enter into appropriate arrangement with other universities, institutions, authorities, or organisations to conduct certain courses as the situation may demand;

(38) to rescind affiliation granted to colleges;

(39) to borrow funds for the purposes of the university on the security of the property of the university, with the prior permission of the State Government;

(40) to explore the possibilities of augmenting the resources of the university by exploring innovating activities such as research and development, consultancy, training programmes and providing services for different clients from and collaboration with industry, trade or any other non-government organisations;

(41) to recommend to the State Government to take over, in the public interest, the management of an affiliated college, institution, school or *pathashala* in case where irregularities or commissions or omissions of

criminal nature by the management of such college, institution, school or *pathashala* are *prima facie* evident to the committee of enquiry appointed by the university;

(42) to undertake academic collaboration programmes with universities and institutions abroad, with the prior approval of the State Government;

(43) to receive funds for collaboration programmes from foreign agencies subject to rules and regulations of the Central Government and State Government in that behalf;

(44) to lay down for teachers and university teachers, service conditions including code of conduct, workload, norms of performance appraisal, and such other instructions or directions as, in the opinion of the university, may be necessary in academic matters;

(45) to undertake development programmes in higher education, research, consultancy-based projects and training programmes for outside agencies, by charging fees, so as to generate resources;

(46) to undertake production and publication of textbooks;

(47) to undertake production and publication of anthologies, reference books and learned research work;

(48) to do all such other acts and things as may be necessary for, or incidental or conducive to, the attainment of all or any of its objects;

(49) to comply with and carry out any directives issued by the State Government from time to time, with reference to above powers, duties and responsibilities of the university.

Control of  
State  
Govern-  
ment.

8. (1) Without prior approval of the State Government, the university shall not—

(a) create new posts of teachers, officers or other employees;

(b) revise the pay, allowances, post-retirement benefits and other benefits of its teachers, officers and other employees;

(c) grant any special pay, allowance or other extra remuneration of any description whatsoever, including *ex gratia* payment or other benefits having financial implications, to any of its teachers, officers or other employees;

(d) divert any earmarked funds received from the State Government for any purpose other than that for which it was received;

(e) transfer by sale or lease immovable property;

(f) incur expenditure on any development work from the funds received from the State Government or University Grants Commission or any person or body for the purposes other than the purposes for which the funds are received;

(g) take any decision regarding affiliated colleges resulting in



increased financial liability, direct or indirect, for the State Government.

(2) The university shall be competent to incur expenditure from the funds received from,—

(a) various funding agencies without any share or contribution from the State Government;

(b) fees for academic programmes stated on self-supporting basis;

(c) contributions received from the individuals, industries, institutions, organisations or any person whosoever, to further the objectives of the university;

(d) contributions or fees for academic or other services offered by the university;

(e) development fund, if any, established by the university; for the purpose of—

(i) creation of posts in various categories for specific period;

(ii) granting pay, allowances and other benefits to the posts created through its own funds provided those posts are not held by such persons, who are holding the posts for which Government contribution is received;

(iii) starting any academic programme on self-supporting basis;

(iv) incurring expenditure on any development work, without referring the matter for approval of the State Government:

Provided there is no financial liability, direct or indirect, immediate or future on the State Government.

(3) The State Government may in accordance with the provisions contained in this Act, for the purpose of securing and maintaining uniform standards, by notification in the *Official Gazette*, prescribe a Standard Code providing for the classification, manner and mode of selection and appointment, absorption of teachers and employees rendered surplus, reservation of posts in favour of members of the Scheduled Castes, Scheduled Tribes and -Other Backward Classes, duties, workload, pay, allowances, post-retirement benefits, other benefits, conduct and disciplinary matters and other conditions of service of the officers, teachers and other employees of the university and the teachers and other employees in the affiliated colleges and recognised institutions (other than those managed and maintained by the State Government, Central Government and the local authorities). When such Code is prescribed, the provisions made in the Code shall prevail, and the provisions made in the Statutes, Ordinances, Regulations and Rules made under this Act, for matters included in the Code shall, to the extent to which they are inconsistent with the provisions of the Code, be invalid.



(4) In case of failure of the university to exercise powers or perform duties specified in section 7 or where the university has not exercised such powers or performed such duties adequately, or where there has been a failure to comply with any order issued by the State Government, the State Government may, on making such enquiry as it may deem fit, issue a directive to the university for proper exercise of such powers or performance of such duties or comply with the order ; and it shall be the duty of the university to comply with such direction.

(5) The State Government may carry out test audit or full audit of the accounts of the university, college, school or institution regularly at such intervals as the State Government may deem fit.

### CHAPTER III.

#### OFFICERS OF THE UNIVERSITY.

##### (A) The *Kuladhipati* (Chancellor)

Kuladhipati  
and his  
powers.

9. (1) The Governor of Gujarat, for the time being, shall be the *Kuladhipati* of the university and the *Kuladhipati*, by virtue of his office, shall be the Head of the university.

(2) The *Kuladhipati*, when present, shall preside over the Convocation of the university and may issue direction to the *Kulaguru* to convene the meeting of any authority of the university for specific purposes, whenever necessary, and the *Kulaguru* shall submit the minutes of such meeting to the *Kuladhipati* for his perusal.

(3) The *Kuladhipati* may call for such information and record relating to any affairs of the university and issue such directions thereupon as he may deem fit in the interest of the university and the authorities and officers of the university shall comply with such directions.

(4) The *Kuladhipati* may, after taking report in writing from the *Kulaguru*, suspend or modify any resolution, order or proceedings of any authority, body, committee or officer which, in his opinion, is not in conformity with this Act, Statutes, Ordinances, or Regulations made thereunder, or is not in the interest of the university and the university authority, body, committee and officer shall comply with the same:

Provided that, before making any such order, the *Kuladhipati* shall call upon the university, authority, body, committee or, as the case may be, officer to show cause why such an order should not be made, and if any cause is shown, within the time fixed by the *Kuladhipati*, he shall consider the same and wherever he deems it necessary, after consulting the State Government, decide the action to be taken in the matter, and his decision shall be final.

(5) Where, in the opinion of the *Kuladhipati*, the conduct of any elected or nominated or appointed or co-opted member is detrimental to the smooth functioning of university or any authority or body or committee,

he may, after giving such member an opportunity to offer his explanation in writing and after considering such explanation, if any, and satisfy himself that it is necessary so to do, suspend or disqualify such member for such period as he may deem fit.

(6) The *Kuladhipati* shall exercise such other powers and perform such other duties as may be conferred upon or vested in him by or under this Act.

**(B) Other Officers of the university.**

10. The following shall be the other officers of the university, namely :—

Other  
officers of  
University.

- (1) the *Kulaguru* (the Vice-Chancellor);
- (2) the *Sama-Kulaguru* (the Pro- Vice-Chancellor);
- (3) the *Adhishthata* (Dean of Faculty);
- (4) the *Kulasachiva* (the Registrar);
- (5) the *Pariksha-Niyantaka* (the Controller of Examination);
- (6) the *Sanchalaka, Niyojana Vikas Mandala* (the Director, Board of Planning and Development);
- (7) the *Granthapala* (the Librarian of the university Library);
- (8) the *Vitta-Lekha Adhikari* (the Finance and Accounts officer);
- (9) the *Sanchalaka, Vistara Seva Mandala* (the Director, Board of Extension Services);
- (10) the *Sanchalaka, Chhatra-kalydna* (the Director of Students' Welfare);
- (11) such other officers in the service of the university as may be prescribed by Statutes.

Kuladhipati  
and his  
powers.

11. (1) There shall be a *Kulaguru* appointed as provided in section 12 who shall be the principal executive and academic officer of the university and *ex-officio Adhyaksha* of the *Vyavasthapana-Parishad, Vidvat-Parishad, Pariksha Mandala, Vitta Lekha Satniti, and Vistara Seva Mandala* and shall preside in the absence of the *Kuladhipati* at any convocation for conferring degrees.

Kulaguru  
and Sama-  
Kulaguru.

(2) The *Sama-Kulaguru* shall be appointed as provided in section 13 and the *Sama-Kulaguru* shall be responsible for the duties allotted to him specifically by the *Kulaguru*. He shall preside over the meeting of the authorities of the university in the absence of the *Kulaguru*.

12. (1) The *Kulaguru* shall be appointed by the *Kuladhipati* in the manner stated hereunder :—

Appoint-  
ment of  
Kulaguru.

(a) There shall be a committee consisting of the following members to recommend suitable names, for appointment of *Kulaguru*, namely :—

- (i) The Secretary, incharge of Higher and Technical Education;
- (ii) A nominee of the University Grants Commission;

- (iii) One person nominated by the *Kuladhipati*;
- (iv) One renowned Sanskrit scholar nominated by the *Vyavasthapana Parishad*;
- (v) One person nominated by the *Vidvat-Parishad*;

(b) The members nominated shall be the persons who are not connected with the university or any college or any recognised institution of the university;

(c) *Kuladhipati* shall nominate one of them as the Chairman of the committee;

(d) The quorum for the meeting of the committee shall be three.

(2) The process of preparing a panel shall begin at least three months before the probable date of occurrence of the vacancy of the *Kulaguru* and shall be completed within the time limit fixed by the *Kuladhipati*. The *Kuladhipati*, however, may extend such time limit if in the exigency of the circumstances, it is necessary so to do, however, the period so extended shall not exceed three months in the aggregate.

(3) The committee shall recommend a panel of not less than three suitable persons other than members of the committee for the consideration of the *Kuladhipati* for being appointed as the *Kulaguru*. The names shall be in alphabetical order without any preference being indicated. The report shall be accompanied by a detailed write-up on suitability for each person included in the panel.

(4) The *Kuladhipati* may appoint one of the persons included in the panel to be the *Kulaguru* :

Provided, however, that if the *Kuladhipati* does not approve any of the persons so recommended, he may call for a fresh panel either from the same committee or after constitution of a new committee for the purpose, from such new committee.

(5) The person appointed as the *Kulaguru* shall, subject to the terms and conditions of his contract of service, hold office for a period of five years from the date on which he enters upon his office or till attaining the age of sixty-five years whichever is earlier.

(6) The person appointed as the *Kulaguru* shall hold a lien, if any, on the post in which he is confirmed prior to the appointment.

(7) In any of the following circumstances, the existence whereof shall solely be judged by the *Kuladhipati*, namely:—

- (a) where the committee appointed under sub-section (1) is unable to recommend any name within the time limit specified by *Kuladhipati*;
- (b) where the vacancy occurs in the office of the *Kulaguru* because of death, resignation or otherwise, and it cannot be conveniently and



expeditiously filled in accordance with the provisions of the sub-sections (1) to (4);

(c) where the vacancy in the office of the *Kulaguru* occurs temporarily because of leave, illness or other causes;

(d) where the term of *Kulaguru* has expired; or

(e) where there is any other emergency,

the *Kuladhipati* may appoint any suitable person, to act as the *Kulaguru* for a term not exceeding six months, in the aggregate as he may specify in his order:

Provided that, the person so appointed shall cease to hold such office on the date on which the person appointed as the *Kulaguru* in accordance with the provisions of sub-sections (1) to (4) assumes office or the *Kulaguru* resumes office.

(8) The *Kulaguru* shall be a full-time salaried officer of the university and shall receive such salary and allowances as may be determined by the State Government. In addition he shall be entitled to free furnished residence, a motor car for his use (including its maintenance, repairs and fuel required therefor), with the service of a chauffeur free of charge.

(9) Such sumptuary allowance shall be placed at the disposal of the *Kulaguru*, as the State Government may approve.

(10) If a person receiving an honorarium from the consolidated fund of the State, or if a principal of an affiliated college or a recognised institution or a university teacher is appointed as *Kulaguru*, his terms and conditions of service shall not be altered to his disadvantage during his tenure as *Kulaguru*.

(11) Notwithstanding anything contained in the foregoing sub-sections, the person referred to in sub-section (6) shall stand retired from his original post in accordance with the terms and conditions of services of that post.

(12) The *Kulaguru* may, by writing under his signature addressed to the *Kuladhipati*, after giving one month's notice resign from his office and shall cease to hold his office on the acceptance of his resignation by the *Kuladhipati* or from the date of expiry of the said notice period, whichever is earlier.

(13) The *Kulaguru* may be removed from his office if the *Kuladhipati* is satisfied that the incumbent,—

(a) has become insane and stands so declared by a competent court;

(b) has been convicted by a court for any offence involving moral turpitude;

(c) has become an undischarged insolvent and stands so declared by a competent court;

(d) has been physically unfit and incapable of discharging duties due to protracted illness or physical disability;

(e) is a member of, or be otherwise associated with, any political party or any organisation which takes part in politics, or is taking part in or subscribing in aid of, any political movement or activity.

*Explanation.* — For purposes of this sub-clause, whether any party is a political party, or whether any organisation takes part in politics or whether any movement or activity falls within the scope of this sub-clause, the decision of the *Kuladhipati* thereon shall be final :

Provided that the *Kulaguru* shall be given a reasonable opportunity to show cause by the *Kuladhipati* before taking recourse for his removal under clauses (d) and (e).

Manner of  
appoint-  
ment of  
Sama-  
Kulaguru.

13. (1) The *Kuladhipati* shall, in consultation with the *Kulaguru*, appoint a *Sama-Kulaguru* for the university.

(2) The *Sama-Kulaguru* shall be a person who has held post of professor, *Kulaguru* principal of college or designated reader or an institution, having not less than ten years teaching experience.

(3) The term *Sama-Kulaguru* shall be co-terminus with the term of office of the *kulaguru* or till he attains the age of sixty-five years, whichever is earlier.

(4) The *Sama-Kulaguru* shall be a full-time salarised officer of the university, and the pay and allowances admissible to him as well as the terms and conditions of his service shall be such as may be determined by the State Government.

(5) When the office of the *Sama-Kulaguru* falls vacant or when the *Sama-Kulaguru* is, by reasons of illness or absence or any other cause, unable to perform the duties of his office, the *Kuladhipati*, upon the recommendation of the *Kulaguru* may appoint a suitable person qualified to be appointed as *Sama-Kulaguru*, to officiate as *Sama-Kulaguru*, till the *Sama-Kulaguru* resumes office, or a new *Sama-Kulaguru* assumes duties, as the case may be.

Powers  
and duties  
of  
*Kulaguru*.

14. (1) The *Kulaguru* shall be the principal academic and executive and duties officer of the university responsible for the development of academic programmes of the university. He shall oversee and monitor the administration of the academic programmes and general administration of the university to ensure efficiency and good order of the university.

(2) He shall be entitled to be present, with the right to speak, at any meeting of any other authority or body of the university, but shall not be entitled to vote thereat unless he is the chairman or member of that authority or body.

(3) The *Kulaguru* shall have the power to convene meetings of any of the authorities, bodies or committees, as and when he considers it necessary so to do.



(4) The *Kulaguru* shall ensure that directions issued by the *Kuladhipati* are strictly complied with or, as the case may be implemented.

(5) It shall be the duty of the *Kulaguru* to ensure that the provisions of the Act, Statutes, Ordinances and Regulations are strictly observed and that the decisions of the authorities, bodies and committees which are not inconsistent with the Act, Statutes, Ordinances or Regulations are properly implemented.

(6) The *Kulaguru* may defer implementation of a decision taken or a resolution passed by any authority, body or committee of the university if, he is of the opinion that the same is not consistent with the provisions of the Act, Statutes, Ordinances or Regulations or that such decision or Resolution is not in the interest of the university and at the earliest opportunity refer it back to the authority, body or committee concerned for reconsideration in its next meeting with reasons to be recorded in writing. If differences persist, he shall within a week, giving reasons, submit it to the *Kuladhipati* for decision and inform about having done so to the members of the authority, body or committee concerned. After receipt of the decision of the *Kuladhipati*, the *Kulaguru* shall take the action as directed by the *Kuladhipati* and inform the authority, body or committee concerned accordingly.

(7) If there are reasonable grounds for the *Kulaguru* to believe that there is an emergency which requires immediate action to be taken, he shall take such action, as he thinks necessary, and shall at the earliest opportunity, report in writing the grounds for his belief that there was an emergency, and the action taken by him, to such authority or body as would, in the ordinary course, have dealt with the matter. In the event of a difference arising between the *Kulaguru* and the authority or body whether there was in fact an emergency or on the action taken (where such action does not affect any person in the service of the University), or on both, the matter shall be referred to the *Kuladhipati* whose decision shall be final:

Provided that, where any such action taken by the *Kulaguru* affects any person in the service of the university, such person shall be entitled to prefer, within thirty days from the date on which he receives notice of such action, an appeal to the *Kuladhipati*.

(8) Where any matter is required to be regulated by the Statutes, Ordinances or Regulations, but no Statutes, Ordinances or Regulations are made in that behalf the *Kulaguru* may, for the time being, regulate matter by issuing such directions as he thinks necessary, and shall, at the earliest opportunity thereafter, place them before the *Vyavasthapana Parishad* or other authority or body concerned for approval. He may, at the same time, place before such authority or body for consideration the draft of the Statutes, Ordinances or Regulations, as the case may be, required to be made in that behalf.



(9) The *Kulaguru* shall be the appointing and the disciplinary authority for the university teachers on the recommendation of the Selection Committee constituted for the said purpose.

(10) The *Kulaguru* shall be appointing and disciplinary authority for officers of the university of the rank of Assistant *Kulasachiva* and of the rank equivalent thereto and above.

(11) As the chairman of the authorities or bodies or committees of the university the *Kulaguru* shall be empowered to suspend a member from the meeting of the authority, body or committee for persisting to obstruct or stall the proceedings or for indulging in behaviour unbecoming of a member, and shall report the matter accordingly, to the *Kuladhipati*.

(12) The *Kulaguru* shall place before the *Vyavasthapana Parishad* a report of the work of the university periodically as provided under the Acts.

(13) The *Kulaguru* shall exercise such other powers and perform such other duties as may be conferred upon him by or under the Act.

(14) (a) The *Kulaguru* shall have the authority to cause an inspection to be made by such person or persons or body of persons as he may direct, of the university, its buildings, laboratories, libraries, museums, workshops and equipment and of any institution, affiliated, conducted college, school, *Pathashala*, hall or hostel maintained or recognised by the university, and of the examinations, teachings and other work conducted by or on behalf of the university, and to cause an inquiry to be made in a like manner regarding any matter connected with the administration or finance of the university, affiliated college or recognised institutions:

Provided that, the *Kulaguru* shall, in the case of affiliated college or recognised institution, give notice to the management of such affiliated college or recognised institution, or *pathashala* of his intention to cause an inspection or an inquiry to be so made :

Provided further that, the management shall have right to make such representation to the *Kulaguru* as it thinks necessary before such inspection or inquiry is made;

(b) after considering such representation, if any made, the *Kulaguru* may cause such inspection or inquiry to be made or may drop the same;

(c) in the case of management when an inspection or inquiry has been caused to be made, the management, shall be entitled to appoint a representative, who shall have the right to be present and of being heard at such inspection or inquiry;

(d) the *Kulaguru* may, if the inspection or inquiry is made regarding any college or institution admitted to the privileges of the university, communicate to the management the result of such inspection or inquiry;

(e) the management shall communicate to the *Kulaguru* such action, if any, as it proposes to take or has been taken by it;

(f) where the management does not, within the time fixed by the *Kulaguru*, take action to his satisfaction, the *Kulaguru* shall place before the *Vyavasthapana Parishad* the inspection or inquiry report and explanation furnished or representation made by the management, for its consideration.

15. (1) There shall be an *Adhishthata* (Dean) for each *Sankaya* Adhishthata.  
*Adhishthata* (faculty). He shall be an academic officer of the university and responsible for implementation of the academic policies approved by the *Vidvat- Parishad* in respect of academic development, maintenance of standards of teaching and research and training of teachers within his *Sankaya*.

(2) The *Adhishthata* of every *Sankaya* shall be nominated by the *Kulaguru* from the teachers, as prescribed.

(3) The *Adhishthata* shall hold the office for a period of five years.

(4) The *Adhishthata* shall be responsible for the academic development of the *Sankaya* and shall ensure proper implementation of the decisions of the *Vyavasthapana Parishad* (Management Council), *Vidvat-Parishad* (Academic Council), the *Niyojana-Vikasa Mandala* (Board of University Planning and Development), the *Pariksha Mandala* (Board of Examinations) in respect of his *Sankaya* and the decisions of the *Sankaya* and the *Adhyayana Mandalas* (Boards of Studies) under his purview.

(5) The *Adhishthata* shall enquire, on being directed by the *Vidvat-Parishad*, into any malpractice related to any academic programme in his faculty by a university department, affiliated or conducted college or recognised institution or school or *Pathashala* and report the findings to the *Vidvat-Parishad*.

16. (1) The *Sanchalaka*, *Niyojana-Vikasa Mandala* (Director, Board of Planning and Development) shall be nominated by the *Kulaguru*, from amongst teachers of the university, institution of departments or principals. Sanchalaka  
of  
Niyojana  
Vikasa  
Mandala.

(2) The *Sanchalaka* shall be,—

(a) the principal academic planning and academic audit officer for the academic development programmes, including post-graduate teaching, research and extension programmes and collaborative programmes of the university;

(b) along with *Niyojana-Vikasa Mandala* responsible to conduct academic audit of university departments or institutions, recognised institutions, post-graduate centres and affiliated colleges;

(c) responsible for ensuring that the decisions of the Board for long-term and short-term development plans of the university and its affiliated colleges in their academic programmes are duly processed and implemented through relevant authorities, bodies, committees and officers;



(d) the principle liaison officer with the external funding agencies for generating funds for the collaborative and development programmes of the university and monitor their proper utilisation;

(e) responsible for establishing liaison for fostering and promoting collaboration between the university, colleges, schools and *pathashala* and national and international institutions and scientific, industrial and commercial organisations;

(f) responsible for submitting an annual report on the progress achieved in different developmental and collaborative programmes to the *Kulaguru* who shall place the same before the *Vidvat-Parishad*.

**Kulasachiva,  
appoint-  
ment and  
duties.**

17. (1) The *Kulasachiva* (Registrar) shall be appointed by the sachiva, *Kulaguru* on the recommendation of a selection committee constituted appoint-purpose.

(2) The *Kulasachiva* shall be the Chief Administrative Officer of the university. He shall be a full-time salaried officer and shall work directly under the superintendence, direction and control of the *Kulaguru*.

(3) Appointment of the *Kulasachiva* shall be for a term of five years and he shall be eligible for reappointment. The qualifications and experience for the purpose of selection of the *Kulasachiva* shall be as laid down by the University Grants Commission and approved by the State Government:

Provided that no person shall hold office of the Registrar beyond the age of sixty years.

(4) When the office of the *Kulasachiva* falls vacant or when the *Kulasachiva* is, by reason of illness or absence or any other cause, unable to perform the duties of his office for a period not exceeding six months, the *Kulaguru* shall appoint a suitable person to officiate as the *Kulasachiva* until a new *Kulasachiva* is appointed and assumes office or the *Kulasachiva* resumes duty, as the case may be.

(5) The *Kulasachiva* shall act as *Sachiva* of *Vyavasthapana Parishad*, the *Vidvat-Parishad* and such other authorities, bodies and committees as prescribed by or under this Act.

(6) The *Kulasachiva* shall be the appointing and the disciplinary authority of the employees of the university other than the teachers, non-vacation academic staff and officers of the rank of Assistant Registrar and other officer holding posts equivalent thereto or above. An appeal by a person aggrieved by the decision of the *Kulasachiva* may be preferred within thirty days from the date of communication of such decision, to the *Kulaguru*.

(7) Subject to the decisions of the authorities of the university, the *Kulasachiva* shall have the power to enter into agreements, sign documents and authenticate records on behalf of the university.



(8) The *Kulasachiva* shall be the custodian of the records, the common seal and such other property of the university as the *Vyavasthapan Parishad* may, commit to his charge.

(9) The *Kulasachiva* shall prepare and update the Handbook of the Statutes, Ordinance and Regulations approved by the authorities, bodies or committees from time to time, and make them available to all the respective members of the authorities and officers of the university.

(10) The *Kulasachiva* shall receive complaints and suggestions in regard to the improvement of administration and consider them for appropriate action.

(11) The *Kulasachiva* shall exercise such other powers and perform such other duties as provided by or under this Act or assigned to him, from time to time, by the *Kulaguru*.

18. (1) (a) The *Pariksha Niyantaka* shall be appointed by the *Pariksha Kulaguru* on the recommendations of a selection committee constituted *Niyantaka*. for the purpose;

*Pariksha  
Niyantaka.*

(b) The *Pariksha Niyantaka* shall be the principal officer-in-charge of the conduct of examinations and tests of the university and declaration of their results. He shall discharge his functions under the superintendence, direction and guidance of the *Pariksha Mandal*. He shall be a full-time salaried officer of the university and shall work directly under the control of *Kulaguru*;

(c) His appointment shall be for a term of five years, and he shall be eligible for re-appointment. The qualifications and experience for the purpose of selection of the *Pariksha Niyantaka* shall be such as may be prescribed.

(2) The *Pariksha Niyantaka* shall be the *Sadasya-Sachiva* (Member-Secretary) of the *Pariksha Mandala* (Board of Examinations) and of the committees appointed by the board except the committees constituted under section 30(5) (a) for appointment of paper-setters, examiners and moderators. He shall be responsible for prompt and proper implementation of their decisions.

(3) Without prejudice to the generality of the provisions of sub-section (1) (b), the *Pariksha Niyantaka* shall be responsible for making all arrangements necessary for holding examinations and tests and declaration of results. It shall be his responsibility,—

(a) to prepare and announce in advance the calendar of examinations;

(b) to arrange for printing of question papers;

(c) to arrange to get performance of the candidates at the examinations properly assessed, and process the results;

(d) to arrange for the timely publication of results of examinations and other tests;

(e) to postpone or cancel examination, in part or in whole, in the event of malpractices or if or the circumstance so warrant, and take disciplinary action or initiate any civil or criminal proceedings against any person or a group of persons or a college or an institution alleged to be committed malpractices,

(f) to take disciplinary action on the recommendation of Disciplinary Action Committee against the candidates, paper setters, examiners, moderators, or any other persons connected with examinations and found guilty of malpractices in relation to the examinations;

(g) to review, from time to time, the results of university examinations and forward reports thereon to the *Pariksha Mandala*.

(4) The *Pariksha Niyantraka* shall exercise such other powers and perform such other duties as may be prescribed or assigned to him, from time to time, by the *Pariksha Mandala*.

Granthapala  
appoint-  
ment and  
duties.

19. (1) The *Granthapala* shall be full time salaried officer of the university. He shall work directly under the control of the *Kulaguru*.

(2) The *Granthapala* shall be appointed by the *Kulaguru* on the recommendation of a Selection Committee constituted for the purpose. His qualifications, emoluments, and terms and conditions of service shall be as recommended by the University Grants Commission and approved by the State Government.

(3) When the office of the *Granthapala* falls vacant, or when the *Granthapala* is, by reason of illness or absence or any other cause unable to perform the duties of his office, such duties shall be performed for the time being, by such person as the *Kulaguru* may appoint, for the purpose, for a period not exceeding six months or until a new *Granthapala* is appointed, or the *Granthapala* resumes his duties, whichever is earlier.

(4) The *Granthapala* shall be responsible for the development, modernisation, upkeep and management of the university library or libraries and shall be responsible for collections and preservation of manuscripts, and offer his help and advice in this respect to the librarians or libraries of affiliated college or recognised institutions, school and *pathashalas*.

(5) The *Granthapala* shall be custodian of all books, periodicals, manuscripts, journals and library equipment, and shall ensure that no irregularities take place and that the books, periodicals, manuscripts, journals and library equipment are not lost. He shall cause periodical verification of stock. He shall have the right to advise the university on all matters including those for



mobilising additional resources to meet the developmental expenditure of the university library or libraries.

(6) The *Granthapala* shall be the *Sadasya-Sachiva* of the *Granthalaya Samiti* and shall ensure proper implementation of the decisions taken by the *Granthalaya Samiti*.

20. (1) (a) The *Vitta-Lekha Adhikari* shall be the principal finance, Vitta accounts and audit officer of the university. He shall be full time salaried officer and shall work 'directly under the control of the *Kulaguru*;

Vitta-  
Lekha  
Adhikari.

(b) The *Vitta-Lekha Adhikari* shall be appointed by the *Vyavasthapan Parishad* either by nomination or by obtaining the services of a suitable officer on deputation from the Government of India or the State Government.

(2) The *Vitta-Lekha Adhikari* shall be the *Sadasya Sachiva* of the *Vitta-Lekha Samiti*. He shall have the right to be present, speak and otherwise take part in the proceedings of the *Vyavasthapan Parishad* on matters which have financial implications but shall not be entitled to vote.

(3) The *Vitta-Lekha Adhikari* shall maintain minutes of the meetings of *Vitta-Lekha Samiti* and the sub-committees appointed by the *Vitta-Lekha Samiti*.

(4) The *Vitta-Lekha Adhikari* shall be responsible for presenting the annual budget, statement of accounts and audit reports, to the *Vitta-Lekha Samiti* and to the *Vyavasthapan Parishad*.

(5) The duties of the *Vitta-Lekha Adhikari* shall be to —

(a) exercise general supervision over the funds of the university, and shall advise the *Kulaguru* as regards the finances of the university;

(b) hold and manage the funds, property and investments, including trust and endowed property, for furthering any of the objects of the university;

(c) ensure that the limits fixed by the university for recurring and non-recurring expenditure for a year are not exceeded, and that allocations are expended for the purposes for which they are granted or allotted;

(d) keep watch on the state of the cash and bank balances and of investments;

(e) keep watch on the progress of collection of revenue and advise the *Kulaguru* on the methods to be employed for collection;



(f) have the accounts of the university audited regularly;

(g) ensure that the registers of buildings, land, equipment and machinery are maintained up-to-date and that the stock taking of equipments and other consumable materials in all offices, colleges, workshops and stores of the university is conducted regularly;

(h) propose to the *Kulaguru* that explanation be called for unauthorised expenditure or other financial irregularities from any academic member of university;

(i) propose to the *Kulasachiva* that explanation be called from any non-academic member for unauthorised expenditure or irregularities in any particular case, and recommend disciplinary action against the persons at fault;

(j) call for from any office, centre, laboratory, college, department of the university or university institution, for any information and returns that he thinks necessary for the proper discharge of his financial responsibilities; and

(k) exercise such other powers, perform such other duties, and discharge such other financial functions as are assigned to him by the *Kulaguru* or are prescribed by the Ordinances;

(l) ensure conduct of internal audit.

*Sanchalaka,  
chhatra  
kalyana.*

21. (1) *Sanchalaka, Chhatra Kalyana* shall be nominated by the *Kulaguru*, from amongst the teachers. The emoluments, terms and conditions of service and powers and duties shall be as prescribed by the Acts. He shall work directly under the control of the *Kulaguru*.

(2) The *Sanchalaka* shall hold office for a term of two years and shall be eligible for re-appointment.

*Sanchalaka,  
Vistar  
Seva  
Mandal.*

22. (1) The *Sanchalaka Vistar Seva Mandal* shall be a full time salaried academic officer and shall be appointed by the *Kulaguru* on the Mandal recommendation of a selection committee, consisting of—

(a) the *Kulaguru—Adhyaksha*;

(b) two experts in the field of extension services in *Sanskrit* nominated by the *Vyavasthapan-Parishad*;

(c) one nominee of the *Vistar Seva Mandal*.

(2) The emoluments and terms and conditions of service of the *Sanchalaka* shall be prescribed by the Ordinances.

(3) The *Sanchalka* shall be the *Sadasya Sachiva* of the *Vistar Seva Mandal* and shall be responsible for organising and co-ordinating various extension programmes in *Sanskrit* and allied subjects under the overall guidance and advice of the Board. He shall prepare annual report of the extension service of the university for the approval of the Board and for submission to the *Vyavasthapan Parishad*.

(4) The Sanchalak, Vistar Seva Mandal shall work directly under the control of Kulaguru.

23. All salaried officers, members of the authorities committees or bodies, teachers of the university and other employees of the university, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

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1860.

Officers,  
members  
of  
authori-  
ties,  
bodies and  
employees  
of  
university  
as public  
servant.

## CHAPTER IV

### AUTHORITIES OF THE UNIVERSITY.

24. The following shall be the authorities of the university, namely:—

Authori-  
ties of  
university.

(1) the *Vyavasthapana Parishad* (the Management Council); university.

(2) the *Vidvat-Parishad* (the Academic Council);

(3) the *Sankaya* (Faculties);

(4) the *Adhyayan Mandala* (the Boards of Studies);

(5) the *Pariksha Mandala* (the Board of Examinations);

(6) the *Niyojana-Vikasa Mandala* (the Board of Planning and Development of the University);

(7) the *Vistar Seva Mandal* (the Board of Extension services);

(8) such other bodies of the university as are designated by the Statutes to be the authorities of the university.

25. (1) The *Vyavasthapana Parishad* shall be the principal executive Vyavastha-authority to manage, lay down policy and formulate Statutes and pana Ordinances, administer the affairs of the university and shall carry out such duties which are not specifically assigned to any other authority.

Vyavastha-  
pana  
Parishad.

(2) It shall consist of the following members, namely:—

(i) *Kulaguru—Adhyaksha (Ex-officio)*;

(ii) *Sama-Kulaguru—Sadasya (Ex-officio)*;

(iii) one *Adhishthata* as prescribed by Statutes;

(iv) one person nominated by the *Kuladhipati* preferably from amongst the members of the *Sanskrit Sihayi Samiti* of the Government of Gujarat;

(v) one member of the Gujarat Legislative Assembly to be nominated by the speaker of the Gujarat Legislative Assembly;

(vi) the Secretary, Higher Education or his nominee not below the rank of Deputy Secretary (*Ex-Officio*);

(vii) the Director of Higher Education or his nominee not below the rank of Joint Director of Higher Education (*Ex-officio*);

(viii) one Head of the University Department as prescribed by statutes;

(ix) one Head of a college, institute, or *Pathashala* as prescribed by statutes;

(x) one teacher from the University Departments as prescribed by statutes;

(xi) one teacher who is not principal from amongst the teachers of the affiliated colleges and recognised institutions with ten years teaching experience as prescribed by statutes;

(xii) one *Adhyaksha* of *Adhyayan Mandala* as prescribed by statutes;

(xiii) one member of the *Vidvat-Parishad* nominated by the *Kulaguru*;

(xiv) *Sanchalaka*—*Niyojana-Vikasa Mandala* (*Ex-officio*).

(2) The *Kulasachiva* of the university shall be *ex-officio* Secretary of the *Vyavasthapana Parishad*, but shall not have the right to vote.

(3) The *Vitta-Lekha Adhikari* and the *Pariksha Nyantraka* shall be permanent invitees of the *Vyavasthapana Parishad*, but they shall have no right to vote.

(4) There shall be not less than four meetings of the *Vyavasthapana Parishad* in a year and the rules of procedure for conduct of business to be followed at a meeting including the quorum at the meeting and such other matters in relation to meetings as may be necessary shall be such as may be prescribed.

Powers  
and duties  
of  
Vyavastha-  
pana  
Parishad.

26. The *Vyavasthapana Parishad* shall exercise the following powers and perform the following duties, namely:—

(1) make such provisions, as may enable colleges, institutions, schools and *Pathashalas* to undertake specialised studies, and where necessary or desirable, organise and make provision for common laboratories, libraries, museums and equipments for teaching and research;

(2) establish departments, colleges, schools, institutions of higher learning, research and specialised studies, on the recommendation of the *Vidvat-Parishad*;



- (3) make, amend or repeal Statutes and Ordinances;
- (4) hold, control and arrange for administration of assets and properties of the university;
- (5) consider and approve the budget estimates prepared by the *Vitta-Lekha Samiti* with its own modifications, if any;
- (6) enter into, vary, carry out and cancel contracts on behalf of the university;
- (7) determine the form of a common seal for the university, and provide for its custody and use;
- (8) accept, on behalf of the university, trusts, bequests, donations and transfer of any movable or immovable property to the university;
- (9) transfer by sale, or otherwise, any movable property on behalf of the university;
- (10) borrow, lend or invest funds on behalf of the university as recommended by the *Vitta Lekha Samiti*;
- (11) lay down policy for administering funds at the disposal of the university for specific purposes ;
- (12) provide buildings, premises, furniture, apparatus and other means needed for the conduct of the work of the university;
- (13) confer honorary degrees and academic distinctions, institute and confer such degrees, diplomas, certificates, honorary degrees and other academic distinctions as recommended by the *Vidvat-Parishad* and arrange for convocation for conferment of the same, as prescribed by the Ordinances;
- (14) institute fellowships, travelling fellowships, scholarships, studentships, exhibitions, awards, medals and prizes, and prescribe rules therefor in accordance with the Regulations made in this behalf;
- (15) make Regulations for collaboration with other universities, institutions and organisations for mutually beneficial academic programmes on the recommendation of the *Niyojana-Vikasa Mandala*;
- (16) create posts of university teachers and non-vacation academic staff on the recommendation of the *Vidvat-Parishad* as. and when required;
- (17) lay down by Statutes, on the basis of qualification and terms and conditions of service and other guidelines approved by the State Government from time to time, and the procedure for appointment of university teachers and non-vacation academic staff and fix their emoluments and norms of workload and conduct and discipline;
- (18) create posts of officers and other employees of the university;
- (19) lay down by Statutes the procedures for appointment of officers and other employees of the university, qualifications, mode of recruitment,

pay scales, terms and conditions of service including conduct, discipline and their duties;

(20) prescribe by Statutes procedure for appointment of teachers, officers and other employees in all institutions and colleges, schools and *Pathashalas* affiliated to the university, terms and conditions of their service and rules and procedures for their appointments;

(21) prescribe fees and other charges;

(22) prescribe honoraria, remunerations and fees and travelling and other allowances for paper-setters, examiners and other examination staff, visiting faculty and for such other services rendered to the university;

(23) receive and consider report of the working of the university from the *Kulaguru* periodically as provided by the Ordinances;

(24) Consider and Approve the academic calender of the university as per the Statutes, and guidelines from the University Grants Commission for next academic year before the expiry of the current academic year;

(25) consider the perspective plan for the academic development of the university, prepared by the *Niyojana-Vikasa Mandala*;

(26) assess and approve the feasibility of proposals from the *Vidvat-Parishad* for academic programmes;

(27) consider and adopt the annual report, annual accounts and audit report;

(28) cause an inquiry to be made in respect of any matter concerning the proper conduct, working and finances of colleges, institutions, schools and *pathashalas* or department of the university;

(29) delegate, any of its powers, except the power to make, amend or repeal Acts, to the *Kulaguru* or such officer or authority of the university or a committee appointed by it, as it thinks fit;

(30) approve the budget estimate prepared by the *Vitta-Lekha Samiti*.

Vidvat-  
Parishad.

27. (1) The *Vidvat-Parishad* shall be responsible for laying down the academic policies in regard to maintenance and improvement of standards of teaching, research, collaboration programmes in academic matters and evaluation of work-load of the teachers.

(2) It shall consist of the following members, namely:—

(a) the *Kulaguru—Adhyaksha*;

(b) the *Sama-Kulaguru*;

(c) the *Adhishthatas* of the *Sankayas*;

(d) the *Adhyakshas* of the *Adhyayana Mandalas*;

(e) the *Sanchalaka* of the *Vistara Seva Mandala*;

(f) one principal each of the conducted or affiliated colleges, institutions or *pathashalas* to be nominated by rotation as prescribed by statutes;

(g) one professor from amongst the professors in the university departments or institutions, nominated by the *Kulaguru* ;

(h) one teacher representing each faculty to be co-opted by the *Vidvat-Parishad* from amongst the teachers having not less than years' teachers experience, other than principals of colleges, Heads of university departments and Heads of recognised institutions as prescribed by statutes ;

(i) one head of an academic services unit of the university, nominated by the *Kulaguru* ;

(j) two scholars nominated by the *Kuladhipati* from amongst the *Sanskrit* institution in the State ;

(k) two eminent *Sanskrit* scholars nominated by the *Kulaguru* ;

(l) the Director of Higher Education, Gujarat State or his nominee not below the rank of Joint Director Higher Education or his nominee ;

(m) Honorary *Sanskrit* Organiser, if any, of the Government of Gujarat.

(3) The *Kulasachiva* shall act as the Secretary of the *Vidvat-Parishad*, but shall have no right to vote.

(4) The *Vidvat-Parishad* shall meet at least twice a year.

28. (1) The *Vidvat-Parishad* shall be the principal academic authority of the university and shall be responsible for regulating and maintaining the standards of teaching, research and examinations in the university.

Powers  
and duties  
of *Vidvat-Parishad*.

(2) Without prejudice to the generality of the foregoing provisions, the *Vidvat-Parishad* shall exercise the following powers and perform the following duties, namely : —

(a) recommend to the *Vyavasthapana -Parishad* regarding institution of degrees, diplomas, certificates and other academic distinctions ;

(b) recommend to the *Vyavasthapana-Parishad* to make, amend or repeal Acts on issues related to academic matters ;

(c) make, amend or repeal Regulations on matters specified in section 48 of this Act;

(d) allocate subjects to the faculties ;

(e) make proposals for the establishment of conducted colleges, schools, departments, institutions of higher learning, research and specialised studies, academic services units, libraries, laboratories and museums in the university ;



(f) consider and make recommendations regarding new proposal for creation of professorships, associate professorships, readerships, lectureships and non-vocational academic staff required by the university;

(g) recommend to the State Government or otherwise of the qualifications as prescribed by the University Grants Commission for different categories of teachers and non-vocational academic staff, and for a particular post in these categories, whether in the university or in any affiliated college or a recognised institution, and prescribe additional qualifications, if any;

(h) make proposals to the *Vyavasthapana Parishad* for the institution of fellowships, travelling fellowships, scholarships, studentships, medals and prizes and make regulation for their award;

(i) prescribe qualifications and norms for appointment of paper-setters, examiners, moderators and others, concerned with the conduct of examinations;

(j) appoint committees to review periodically the utility and practicability of the existing courses of study and the desirability or necessity of reviewing or modifying them in the light of new knowledge or changing societal requirements;

(k) make proposal for the conduct of interfaculty and area or regional studies, common facilities, such as hobby centres, museums, etc.;

(l) prescribe norms for recognition of any member of the staff of an affiliated college or recognised institution as a teacher of the university;

(m) prescribe norms for granting affiliation, continuation of affiliation, extension of affiliation to colleges, and recognition, continuation of recognition, extension of recognition to institutions of Sanskrit learning and research or specialised studies;

(n) grant affiliation to colleges or institutions in accordance with the provisions of the Statutes, Ordinances and Regulations ;

(o) accord recognition to institutions of Sanskrit learning, research or specialised studies as prescribed;

(p) make proposals to the *Vyavasthapana-Parishad* to prescribe fees and other charges;

(q) generally, advise the university on all academic matters and submit to the *Vyavasthapana-Parishad* feasibility reports on academic programmes;

(r) exercise such other powers and perform such other duties as may be conferred or imposed on it by or under this Act, the Statutes, Ordinances and Regulations.

Pariksha  
Mandala.

29. (1) The *Pariksha Mandala* shall be the authority for conducting examinations and making policy decisions in regard to organising and holding examinations, improving the system of examination, appointing the papersetters, examiners, moderators and also prepare the schedule of

dates of holding examinations and declaration of the results. The *Pariksha Mandala* shall also oversee and regulate the conduct of examinations in the institutions, colleges, *pathashalas* and university departments.

(2) The *Pariksha Mandala* shall deal with all the matters in relation to examinations and shall hear and decide the complaints received pertaining to any matter arising out of conduct of examinations.

(3) The *Pariksha Mandala* shall consist of the following members, namely:—

- (a) *Kulaguru*, Chairman ;
- (b) *Sama-Kulaguru*, if any;
- (c) the *Adhishthatas* of the *Sankaya* ;
- (d) one head of university department, not below the rank of Reader, nominated by the *Kulaguru*;
- (e) one principal other than *Adhishthata* nominated by the *Vidvat-Parishad*;
- (f) one teacher other than the heads of departments or principals, nominated by the *Vidvat-Parishad*;
- (g) Director of Higher Education ; or his nominee not below the rank of Joint Director ;
- (h) *Pariksha Niyantarka*, Member-Secretary.

30. (1) The *Pariksha Mandala* shall ensure proper organisation of examinations and tests of the university, including moderation, tabulation and the declaration of results.

Powers  
and duties  
of  
*Pariksha  
Mandala*.

(2) The *Mandala* shall meet at least once in each academic term.

(3) In particular and without prejudice to the generality of duties as mentioned in sub-section (1), the *Mandala* shall exercise the following duties, namely:—

(a) to appoint papersetters, examiners and moderators from amongst the persons included in the panels prepared by the respective *Adhyayana Mandala* and, where necessary, having regard to the recommendations made by the committee under clause (b) of sub-section (6) remove them or debar them;

(b) to undertake, exercise and experiment in examination reforms ;

(c) to exercise such other powers in relation to examinations as may be assigned to it by or under the Ordinance.

(4) In case of any emergency requiring immediate action to be taken, the *Adhyaksha* of the *Mandala* or any other officer or person authorised by him in that behalf, shall take such action as he thinks fit and necessary, and shall report at the next meeting of the *Mandala* the action taken by him.

(5) (a) In order to appoint paper-setters, examiners and moderators, the *Pariksha Mandala* shall constitute committee, for every subject consisting of,—

- (i) the *Sama-Kulaguru*, if any, *Adhyaksha*;
- (ii) the *Adhishthata* of the concerned *Sankaya* ;
- (iii) the *Adhyaksha* of the concerned *Adhyayana Mandala*;
- (iv) one member of the *Adhyayana Mandala* nominated by it from amongst its members.

(b) The *Pariksha Niyantraka* shall act as Secretary of such committees;

(c) The committees shall prepare lists of persons for various examinations and tests, from amongst persons, included in the panels to be prepared by the *Adhyayana Mandala* ; and shall submit them to the *Pariksha Mandala*, which shall then appoint paper-setters, examiners and moderators, and where necessary referees ;

(d) The committee shall obtain three sets of question papers in sealed covers in the respective subject. The *Adhyaksha* of the committee shall draw at random one of such sealed covers containing question papers. This sealed cover with seals intact shall then be sent to the press.

(6) (a) In order to investigate and take disciplinary action for malpractices and lapses on the part of candidates, paper-setters, examiners, moderators, referees, teachers or any other person connected with the conduct of examinations, *Pariksha Mandala* shall constitute a committee of not more than five persons of whom one shall be Chairman;

(b) Such a committee shall submit its report and recommendations to the *Pariksha Mandala* which shall take disciplinary action in the matter as it deems fit.

(7) The *Pariksha Mandala* shall prepare the financial estimates for incorporation in the budget of the university and shall submit the same to the *Vitta-Lekha Adhikari*;

(8) The *Mandala* shall arrange for strict vigilance during the conduct of the examinations so as to avoid use of unfair means by the students, teachers, invigilators, supervisors, etc.

Sankaya.

31. (1) The *Sankayas* (Faculties) shall be the principal academic coordinating authorities of the university in respect of studies and research in relation to the subjects included in the faculty, and also in respect of studies and research in multi-faculties.

(2) The university shall have such faculties as are prescribed by the Statutes.

(3) A faculty shall be constituted, divided, combined with or abolished, only with the approval of the *Vidvat-Parishad* and as prescribed by the Statutes.



(4) The faculty shall comprise of such subjects as are prescribed by the statutes.

(5) the faculty shall consist of the following members—

(a) the *Adhishthata* of the faculty *ex-officio* Chairman, to be nominated by the *Kulaguru* from amongst the Professor or the Readers having not less than ten years' teaching experience;

(b) Chairman of each *Adhyayana Mandala*, for the subjects comprised in the faculty;

(c) three members of each *Adhyayana Mandala*, to be nominated by the *Adhishthata*.

32. The *Sankaya* shall have the following powers and duties, namely:—

Powers  
and duties  
of  
Sankaya.

(a) to consider and report on any matter referred to it by the *Vyavasthapana Parishad*, *Vidvat-Parishad*, or *Niyojana-Vikasa Mandala*;

(b) to consider and approve recommendations of the *Adhyayana Mandalas* in the faculty, and matters related to more than one *Adhyayana Mandalas* not affecting any other faculty and recommend to the *Vidvat-Parishad* for action as it thinks fit;

(c) to consider and recommend to the *Vidvat-Parishad*, the academic matters within its purview, which effect any other faculty or faculties or which involve administrative or financial implications;

(d) to consider and recommend to the *Vidvat-Parishad* establishment of new courses, inter-disciplinary courses and short-term training programmes, referred to it by the Boards of Studies;

(e) to make recommendations to the *Vidvat-Parishad* in respect of the requirements regarding the conduct of post-graduate or undergraduate instruction, teaching, research and training in the university institutions or departments, affiliated colleges and recognised institutions, schools and *Pathashalas*;

(f) to ensure that guidelines and rules framed for the following matters by the *Vidvat-Parishad* are implemented, namely :—

(i) long-term curriculum development;

(ii) faculty development;

(iii) teaching or learning material development;

(iv) research in educational matters with particular reference to colleges;

(g) to plan and organise inter-departmental and inter-faculty programmes in consultation with the *Adhyayana Mandala*, other faculties, and *Niyojana-Vikasa Mandala*;

(h) to recommend to the academic staff college and the *Vidvat-Parishad* regarding organisation of refresher and orientation course for teachers of affiliated colleges and university departments especially for the revised or newly introduced or inter-disciplinary courses of studies;

(i) to prepare and submit the annual report of the functioning of the faculty to the *Kulaguru*;

(j) to consider any other academic matter which may be referred to it.

Adhyayana  
mandalas.

33. (1) There shall be an *Adhyayana Mandala* (Board of Studies) for every subject or group of subjects, as prescribed.

(2) The *Adhyayana Mandala* shall consist of,—

(a) the Head of the university department or institution in the relevant subjects:

Provided that, where there is no university department in the subject, the *Mandala* shall at its first meeting co-opt the Head of the Department from an affiliated college having post-graduate teaching in that subject.

(b) three Heads of Departments in affiliated and conducted college as prescribed.

(3) The *Mandala*, at its first meeting, shall co-opt,—

(a) one teacher having not less than ten years teaching experience from amongst the teachers in the university Department who is not a Head of the Department;

(b) one teacher having not less than ten years teaching experience, from amongst the teachers of affiliated or conducted colleges having teaching in the subject;

(c) one teacher having not less than ten years teaching experience, from amongst the teachers of the affiliated *Pathashalas*.

(4) The Chairman of the *Mandala* shall be nominated by the *Kulaguru* from amongst its members.

Powers  
and duties  
of  
Adhyayana  
mandala.

34. The *Adhyayana Mandala* shall have the following powers and duties :—

(a) to recommend, upon reference to it by the *Vyavasthapana Parishad* or *Vidvat-Parishad* or the *Sankaya* concerned or otherwise, the courses of study in the subject or group of subjects within its purview;

(b) to recommend books, including text-books, supplementary reading, reference books and other material for such courses of study;

(c) to recommend to the *Vidvat-Parishad* for its approval the preparation and publication of selections or anthologies or writing or work of authors



and other masters as well as material consequent to curriculum development by the teachers of the university for its introduction in the syllabi of the courses of study under the purview of the Board in accordance with the Regulations made by the *Vidvat Parishad* in that respect;

(d) to advise the *faculty* or *faculties* concerned regarding improvements in the courses of study;

(e) to recommend names of suitable persons for inclusion in the panels for appointment of paper-setters, examiners and moderators at the university examinations in the subject by the *Pariksha Mandala*;

(f) to recommend to the *Pariksha Mandala*, names of persons suitable for appointment as referees for evaluation of theses and dissertations and for conduct of *viva-voce* examinations, wherever prescribed, for awarding post-graduate, doctorate and higher degrees;

(g) to suggest organisation of orientation and refresher courses in the subject;

(h) to prepare requirements in respect of teaching of the subject at various levels in respect of teachers and their qualifications, library, laboratory equipment and consumables for formulating the norms and requirements for granting affiliation or extension or continuation of affiliation to colleges and for granting recognition or extension or continuation of recognition to institutions by the university.

35. (1) There shall be a *Vistara Seva Mandala* (Board of Extension vistara Services) of the university to oversee the various academic and extension programmes of the university. The *Mandala* shall consist of,—

Vistara  
Seva  
Mandala.

(a) The *Kulaguru—Adhyaksha*;

(b) three persons, engaged in the field of extension services in Sanskrit who are residents within the university area, nominated by the *Kulaguru*;

(c) The Director of Higher Education or his nominee not below the rank of Deputy Director;

(d) one of the Station Directors of All India Radio (*Akashvani*) in the university area, to be nominated by the *Kulaguru* in consultation with the Central Government;

(e) *Sanchalaka, Vistara Seva Mandala—Sadasya-Sachiva*.

(2) The *Mandala* shall meet at least twice a year.

(3) The *Mandala* shall prepare an annual programme of its activities and shall review the same periodically.



Powers,  
Functions  
and duties  
of  
authorities.

36. The constitution, powers and the functions or duties of the authorities of the university, not laid down by any of the provisions of of this Act shall be as prescribed by statutes.

Terms of  
office of  
members  
of  
authority.

37. Save as otherwise provided by or under the provisions of this Act, the term of office of the nomination, appointed or co-opted members of any authority shall be five years from the date of its first meeting, irrespective of the date on which a member enters upon his office.

Cessation  
of  
member-  
ship.

38. Notwithstanding anything contained in this Act or the Statutes made thereunder, where a person, appointed, nominated or co-opted as an officer of university or a member of any of the authorities or bodies of the university by virtue of his being eligible to be so appointed, nominated or co-opted as such an officer or a member under any of the categories of officers or members specified by or under the relevant provisions of this Act in relation to such office, authority or body, he shall cease to be such an officer of the university or a member of such an authority or a body as soon as he ceases to belong to such category and shall be deemed to have vacated his office as such officer or member.

Disqualifi-  
cation for  
member-  
ship of  
authority.

39. A person shall be disqualified for being a. member of any of the authorities of the university, if he—

(a) is of unsound mind and stands so declared by a competent court;

(c) has been convicted of any offence involving moral turpitude;

(d) is conducting, or engaging himself in, private tuitions or private coaching classes;

(e) has been punished for indulging in, or promoting, unfair practices in the conduct of any examination in any form anywhere.

Conclu-  
siveness of  
decision of  
authority.

40. Save as otherwise provided by or under the provisions of this Act, each authority of the university while acting and exercising its powers and discharging its functions or duties assigned to it by or Under the provisions of this Act shall have the exclusive jurisdiction to deal with and decide the matters assigned to it.

Resigna-  
tion of  
member-  
ship.

41. (1) A member, other than an *ex-officio* member, may resign by writing under his signature. A nominee of the *Kuladhipati* may resign ship, by addressing to the *Kuladhipati* and any other member may resign by

addressing to the *Kulaguru*. The person shall cease to be a member upon his resignation being accepted by the *Kuladhipati* or the *Kulaguru*, as the case may be.

(2) If a person nominated, appointed or co-opted to an authority or body remains absent without prior permission of the authority or body for three consecutive meetings, he shall be deemed to have vacated his membership and he shall cease to be a member from the date of the third such meeting in which he has remained absent.

42. (1) Save as otherwise provided by this Act, all matters with regard to the conduct of meetings of the authorities, bodies or committees, if any, constituted by the university or any authority shall be such as may be prescribed.

Meeting of  
authori-  
ties.

(2) A meeting of an authority or body shall be convened on the date determined by the *Adhyaksha* by a notice issued by its *Sadasya-Sachiva*.

(3) Except as otherwise provided, the quorum for a meeting shall ordinarily be one-third of the number of the sitting members. If there is no quorum, the meeting shall be adjourned by the *Adhyaksha* to a specific time on the same day or on a later date and no quorum shall be necessary for such adjourned meeting.

(4) Where no provision is made by or under this Act for an *Adhyaksha* to preside over a meeting of any authority or body of the university or when the President or *Adhyaksha* so provided for is absent and no provision is made for any other person to preside, the members present shall elect a person from amongst themselves to preside at the meeting.

(5) Save as otherwise provided all items, questions, matters or proposals on the agenda shall be decided by a majority of votes of members present. In case of equality of votes, the *Adhyaksha* shall have a casting vote. The *Sachiva*, if not a member, shall have right to participate in the deliberations but shall not have the right to vote.

43. When any vacancy occurs in the office of a member, other than an *ex-officio* member of any authority or other body of the university before the expiry of his normal term, the vacancy shall be filled, as soon as may be, by nomination of a person by the *Kulaguru* on the basis of seniority as prescribed.

Filling  
casual  
vacancy.

(2) The person so nominated shall be a person who is otherwise, eligible to be a member of the said authority or body from the same category. The person so nominated shall hold office only so long as the member in whose place he has been nominated, would have held it, if the vacancy had not occurred.

CHAPTER V.

THE STATUTES, ORDINANCES AND REGULATIONS.

Statutes.

44. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

- (1) conferment of honorary degrees and holding convocation;
- (2) the establishment and maintenance of the university departments, institutions, conducted colleges, institutions of higher learning, research or specialised studies and hostels;
- (3) the powers and duties of the officers of the university;
- (4) the powers and duties of the authorities of the university;
- (5) the principles governing the seniority and service conditions of the employees of the university;
- (6) the provision for disqualifying members of the authorities, bodies or committees of the universities;
- (7) abolition of university departments or institutions and conducted colleges;
- (8) qualifications, recruitment, workload, code of conduct, terms of office, duties and conditions of service, including periodic assessment of teachers, officers and other employees of the university and the affiliated colleges, schools and *pathashalas* (except those colleges or institutions maintained by the State or Central Government or a local authority), the provision of pension, gratuity and provident fund, the manner of termination of their services, as approved by the State Government;
- (9) application of funds of the university for furtherance of the objects of the university;
- (10) norms of affiliation of colleges or for withdrawing the affiliation of the colleges;
- (11) acceptance and management of trusts, bequests, donations, endowments and grants from individuals or organisations;
- (12) provision of reservation of adequate number of posts of teachers, officers and the employees of the university, affiliated colleges, recognised institutions, schools and *pathashala*, for members of the Scheduled Castes and Scheduled Tribes, and Other Backward Classes in accordance with the policy of the State Government;
- (13) number of working days, number of actual days of instruction, holidays other than Sundays, vacation and terms in academic year;
- (14) disciplinary action against defaulting teachers, officers and other employees of the university, affiliated colleges, recognised institutions, schools and *pathashalas* other than the colleges or institutions, schools



and *pathashalas*, managed and maintained by the State Government or Central Government or Local Authorities;

(15) the taking over or transferring, in public interest, of the management of a college or institution by the university and the conditions for such taking over or transferring, subject to the approval of the State Government;

(16) any matter which is to be prescribed or which is necessary to give effect to the provisions of this Ordinance.

45. (1) The Statutes may be made, amended or repealed by the *Vyavasthapana Parishad* in the manner hereinafter provided.

Statutes  
how made.

(2) The *Vyavasthapana Parishad*, if it thinks necessary, may also obtain the opinion of any officer, authority or body of the university in regard to any draft Statute which is before it for consideration:

Provided that, where any such draft Statute pertains to academic matters, it shall obtain the opinion of the *Vidvat-Parishad* before considering the same.

(3) Every Statute passed by the *Vyavasthapana Parishad* shall be submitted to the *Kuladhipati* who may give or withhold his assent thereto or send it back to the *Vyavasthapana Parishad* for reconsideration.

(4) No Statute passed by the *Vyavasthapana Parishad* shall be valid or shall come into force until assented to by the *Kuladhipati*.

(5) Notwithstanding anything contained in the foregoing subsections, the *Kuladhipati* either *suo motu* or on the advice of the State Government, may, direct the university to make provisions in the Statutes in respect of any matter specified by him and if the *Vyavasthapana Parishad* fails to implement such a direction within sixty days of its receipt, the *Kuladhipati* may, after considering the reasons, if any, communicated by the *Vyavasthapana Parishad* for its inability to comply with such direction, make or amend the Statutes suitably.

46. Subject to the conditions prescribed by or under this Act, the *Vyavasthapana Parishad* may make Ordinances to provide for all or any of the following matters, namely:—

Ordinance  
and their  
subject  
matter.

(1) the conditions under which students shall be admitted to course of study for degree, diplomas, certificates and other academic distinctions;

(2) the fees to be charged for enrolment of students for attending such courses in the university and colleges (including the tuition fees and hostel charges), which shall, as far as possible, be uniform for the colleges situated in the same local area, for admission to the examinations leading to degrees, diplomas, certificates and other academic distinctions, and for registration of graduates;

(3) the conditions of residence, conduct and discipline of the students of the university, and the action to be taken against them for breach of discipline of misconduct, including the following :-

- (a) use of unfair means at an examination, or abatement thereof ;
- (b) refusal to appear or give evidence in any authorised inquiry by an officer in charge of an examination, or by any officer or authority of the university; or
- (c) disorderly or otherwise objectionable conduct, whether within or outside the university;
- (4) the qualifications and classification of teachers in university departments, colleges and recognised institutions, schools and *pathashalas*;
- (5) the conditions governing the appointment and duties of examiners;
- (6) the conduct of examinations and other tests, and the manner in which the candidates may be assessed or examined by the examiners;
- (7) the recognition of teachers of the university and the conditions subject to which persons may be recognised as qualified to give instructions in the university departments, colleges and recognised institutions, schools and *pathashalas*;
- (8) the inspection of colleges, recognised institutions, schools, *pathashalas*, halls and hostels;
- (9) the recognition of halls and hostels;
- (10) the mode of execution of contracts or agreements for, or on behalf of the university;
- (11) the rules to be observed and enforced by colleges and recognised institutions regarding transfer of students;
- (12) all other matters which, by or under this Act or the Statutes, are to be, or may be provided by Ordinances; and
- (13) generally, all matters for which provision is, in the opinion, of the *Vyavasthapana Parishad*, necessary for the exercise of the powers conferred, or the performance of the duties imposed, on the *Vyavasthapana Parishad* by or under this Act, or the Statutes.

Ordinances and their making.

47. (1) The *Vyavasthapana Parishad* may make, amend or repeal Ordinances in the manner hereinafter provided,

(2) Ordinance concerning the matters referred to in clauses (i) to (vii) of the last preceding section, or any other matter connected with the maintenance



of the standards of teaching and examinations within the university, shall be made by the *Vyavasthapana Parishad* unless a draft thereof has been proposed by the *Vidvat-Parishad*.

(3) The *Vyavasthapana Parishad* shall not have the power to amend any draft proposed by the *Vidvat-Parishad* under sub-section (2), but may reject or return it to the *Vidvat-Parishad* for reconsideration, in part or in whole, together with any amendments which the *Vyavasthapana Parishad* may suggest.

(4) All Ordinances made by the *Vyavasthapana Parishad* shall have effect from such date as it may direct, but every Ordinance so made shall be submitted to the *Kuladhipati* within two weeks. The *Kuladhipati* shall have the power to direct the *Vyavasthapana Parishad*, within four weeks of the receipt of the Ordinance, to suspend its operation, and he shall, as soon as possible, inform the *Vyavasthapana Parishad* of his objection to it. He may, after receiving the comments of the *Vyavasthapana Parishad*, either withdraw the order suspending the Ordinance or disallow the Ordinance, and his decision shall be final.

48. (1) Subject to the conditions prescribed by or under this Act, and the approval of the *Vyavasthapana Parishad*, the *Vidvat-Parishad*, may make Regulations consistent with this Act, the Statutes and Ordinances, providing for all or any of the matters which, by or under this Act, the Statutes or Ordinances, are to be or may be provided and for all other matters solely concerning itself

Regulations.

(2) Any authority or body may, subject to the previous approval of the *Vyavasthapana Parishad*, make rules, consistent with this Act, the Statutes, Ordinances and Regulations, for—

(a) giving notice of the dates and hours of its meetings and of the business to be conducted thereat;

(b) regulating the procedure at its meeting and the number of members required to form a quorum, and keeping of records of the proceedings of such meetings;

(c) providing for all matters solely concerning such authority or body.

(3) Such rules be submitted to the *Vyavasthapana Parishad*, which may amend or annul them in such manner as it thinks proper, after ascertaining and considering the view of the authority or body making them.



CHAPTER VI.

ADMISSIONS, EXAMINATIONS AND OTHER MATTERS  
RELATING TO STUDENTS.

Admission.

49. Subject to the reservation policy of the State Government for the Scheduled Castes, Scheduled Tribes and Other Backward Classes, admissions to all courses in the university departments and affiliated colleges shall be made on the basis of competitive merit in accordance with the rules, if any, made by the State Government and published in the *Official Gazette*, or by the university and published in the university *gazette* by the university:

Provided that, where model rules have been framed by the State Government in the interest of students throughout the State, the university shall adopt the same and such rules shall be published in the university *gazette* or the *Official Gazette* as the case may be at least six months before the start of any academic session which shall begin not later than first of August every year:

Provided further that, having regard to the maintenance of discipline, the authority concerned shall have the power to refuse admission to a student.

Schedule  
of  
Examina-  
tions.

50. At the beginning of each academic term and in any case not later than 30th October of every calendar year, the university shall prepare and publish a schedule of examinations for each and every course conducted by itself or by any affiliated college, or institution within its jurisdiction and shall strictly adhere to the schedule.

*Explanation.*— "Schedule of Examinations" means a table giving details about the time, day and date of the commencement of each paper which is a part of a scheme of examinations and shall also include the details about the practical examinations:

Provided however that, in case the university is unable to follow this schedule due to reasons and circumstances beyond its control it shall, as soon as practicable, submit a report to the *Kuladhipati* and to the State Government incorporating the detailed reasons for making a departure from the published Schedule.

Declara-  
tion of  
results.

51. The university shall strive to declare the results of every examination conducted by it within thirty days from the last date of the examination for that particular course and shall in any case declare the results latest within forty-five days thereof:

Provided however that, if for any reasons whatsoever the university is unable to finally declare the results of the examination within the aforesaid period of forty-five days, it shall submit a report incorporating the detailed reasons for such delay or the *Kuladhipati* and to the State Government.

52. No examination or the results of an examination shall be held Examina- invalid only for the reasons that the university has not followed the schedule as stipulated in sections 50 and 51, as the case may be.

Examina-  
tions not  
invalid, for  
noncom-  
pliance  
with  
Schedule.

53. The university shall frame appropriate Statutes, Ordinances and Sports and Regulations to ensure that the students selected to represent their classes, colleges or the university, as the case may be, for sports, culture and all other activities are selected entirely on the basis of merit, through open merit competition alone and on no other basis.

Sports and  
extra  
curricular  
activities.

## CHAPTER VII.

### SAMITIS (COMMITTEES).

54. (1) (a) There shall be a *Granthalaya Samiti* for administering, Granthalaya organising and maintaining the libraries and library services of the university. It shall consist of the following members, namely : —

Granthalaya  
Samiti,  
(Library  
Sammittee).

(i) the *Kulaguru — Adhyaksha*;

(ii) one *Adhishthata* of faculties, nominated by the *Kulaguru*;

(iii) one head of the university institutions, or departments, nominated by the *Kulaguru*;

(iv) one teacher, nominated by the *Vidvat-Parishad*, from amongst its members;

(v) the *Kulasachiva*;

(vi) the *Granthapala — Sachiva*.

(b) All members of the *Granthalaya Samiti*, other than *ex-officio* members, shall hold office for a period of five years.

(c) The duties of the *Samiti* shall be as follows, namely: —

(i) to provide for proper organisation and functioning of the library, documentation services and updating the stock of books;

(ii) to provide for modernisation and improvement of library and documentation services;

(iii) to recommend to the *Vyavasthapana Parishad* fees and other charges for the use of library services by students and others;

(iv) to prepare the annual budget and proposals for development of the library for approval of the *Vitta-Lekha Samiti*;

(v) to submit the annual report on the functioning of the library;

(vi) to form a sub-committee for preservation of manuscripts and other historical documents under the guidance of the *Kulaguru*.

Vittalekha  
Samiti  
(Finance  
and  
Accounts  
Commit-  
tee).

(2) (a) There shall be a *Vitta-Lekha Samiti* consisting of the following members, namely :—

(i) Kulaguru—Adhyaksha;

(ii) the *Sama-Kulaguru*;

(iii) one person, nominated by the State Government, not below the rank of a Deputy Secretary;

(iv) the Director of Accounts and Treasuries or his representative, not below the rank of Joint Director of Accounts and Treasuries;

(v) two persons, nominated by the *Vyavasthapana Parishad* from amongst its members;

(vi) two persons, nominated by the *Vidvat-Parishad* from amongst its members;

(vii) the *Vitta-Lekha Adhikari-Sachiva*;

(b) The quorum for a meeting of the committee shall be five;

(c) All members of the committee other than *ex-officio* member, shall hold office for a term of five years;

(d) the *Samiti* shall meet at least four times a year to examine the accounts, the progress of expenditure and all new proposals involving fresh expenditure in the light of the provisions available;

(e) The annual statement of accounts and the financial estimated (budget) of the university, prepared by the *Vitta-Lekha Adhikari* shall be laid before the *Vitta-Lekha Samiti* for consideration and recommendation, and for submission thereafter to the *Vyavasthapana Parishad* for such action as it thinks fit.

(f) The budget shall be prepared in the following three distinct parts:

(i) maintenance;

(ii) development; and

(iii) independent project or scheme or collaborative programmes grants;

(g) The *Samiti* shall perform the following additional functions and duties, namely:—

(i) recommend to the *Vyavasthapana Parishad* the limits for the total recurring and non-recurring expenditure for the year, based on the income and resources of the university, including the proceeds of loans for productive work;

(ii) recommend to the *Vyavasthapana Parishad* productive investment and management of university assets and resources;



(iii) explore the possibilities of, and resort to, augmenting further the resources for the development of the university;

(iv) take necessary steps to have the university accounts audited by auditors appointed by the *Vyavasthapana Parishad*;

(v) advise the *Vyavasthapana Parishad* on matters related to the administration of the property and the funds of the university;

(vi) ensure proper implementation of the State Government's orders issued from time to time, in respect of financial matters;

(vii) advise on financial matter referred to it by the *Vyavasthapana Parishad*, *Vidvat-Parishad* or any of the authority, body or committee or any officer of the university;

(viii) report to the *Kulaguru* any lapse or irregularity in financial matters which comes to its notice who may take suitable prompt actions after assessing the seriousness of the matter or refer it to the *Vyavasthapana Parishad*;

(h) The other powers and duties of the *Samiti* and the procedure at its meetings shall be such as may be prescribed;

(i) The annual accounts of the university, colleges and institutions shall be open for audit by the auditors appointed by the State Government.

(3) (a) There shall be *Kraya Samiti* for dealing with all matters *Kraya* pertaining to all purchases of the university, in respect of such items where individual cost of each item exceeds rupees one lakh at a time;

*Kraya Samiti*  
(Purchase  
Commit-  
tee).

(b) The *Kraya Samiti* shall consist of the following members, namely:—

(i) the *Kulaguru—Adhyaksha*;

(ii) three heads of the university institutions or departments, nominated by the *Kulaguru*;

(iii) two *Sadasyas* nominated by the *Vyavasthapana Parishad*, from amongst its *Sadasyas*;

(iv) the *Kulasachiva*;

(v) the *Vitta-Lekha Adhikari*;

(c) The *Vitta-Lekha Adhikari* shall ordinarily act as the *Sachiva* of the *Kraya Samiti*. *Vitta-Lekha Adhikari* during his absence, the *Kulasachiva* shall act as the *Sachiva* of the *Samiti*;

(d) The *Kraya Samiti* shall invite the heads of the university, institutions or departments for which the purchase is to be made;

(e) All members of the *Samiti*; other than *ex-officio* members shall hold office for a period of two years;

(f) The powers and duties of the *Samiti* shall be such as may be prescribed.

Samitis for  
Vidya Seva  
Anubhaga  
(Academic  
Service  
Unit).

(4) (a) Each *Vidya Seva Anubhaga* of the university shall have a *Samiti* whose principal responsibility shall be to organise, oversee and maintain the services under its charge;

(b) The *Samiti* of such unit shall consist of the following members, namely:—

(i) the *Kulaguru—Adhyaksha*;

(ii) the *Adhishthata* nominated by *Adhishthatas* from amongst themselves;

(iii) not more than three heads of university institutions or departments making use of the services of the unit, nominated by the *Vidvat-Parishad*;

(iv) one nominee of the funding agency for the unit, if any;

(v) one expert having special knowledge of the concerned academic services, other than the employees of the university, nominated by the *Kulaguru*;

(vi) Head of the concerned *-Vidya Seva Anubhaga— Sachiva*;

(c) The term of office of the nominated members shall be five years;

(d) The powers and duties of the *Samiti* shall be as prescribed; (e) The *Samiti* shall meet at least twice a year.

Vastu  
Rachana  
Samiti  
(Building  
and  
Construc-  
tion  
commit-  
tee).

(5) (a) The *Vastu Rachana Samiti* shall consist of the following members, namely:—

(i) the *Kulaguru—Adhyaksha*;

(ii) *Adhikshaka Abhiyanta*, Public Works Department or his nominee;

(iii) one *Vastu Visharada* nominated by the *Vyavasthapana Parishad*;

(iv) one member of the *Vidvat-Parishad* nominated by the *Kulaguru*;

(v) *Kulasachiva*;

(vi) the *Vitta-Lekha Adhikari*;

(vii) *Pramukha Abhiyanta* of the University—*Sadasya-Sachiva*;

(b) The powers and duties of the *Samiti* shall be as prescribed.

Vishvavidyalaya  
Chhatra  
Kalyana  
Samiti  
(Student's  
Welfare  
Committee).

(6) The *Chhatra Kalyana Samiti* shall consist of the following members, namely:—

(i) the *Kulaguru—Adhyaksha*;

(ii) the *Sama Kulaguru—Upadhyaksha*;

(iii) one student representative from each department of the university who has shown academic merit at the preceding degree examination and engaged in the full-time studies in the university nominated by the *Sama Kulaguru*;

(iv) two lady students nominated by the *Kulaguru*;



(v) two representatives of students from Scheduled Castes or Scheduled Tribes and Other Backward Classes nominated by rotation by the *Kulaguru*;

(vi) *Sanchalak Chhatra Kalyana—Sadasya-Sachiva*

Every meeting of the *Chhatra Kalyana Samiti* shall be presided over by the *Kulaguru* or *Sama Kulaguru* in absence of the *Kulaguru*, and shall be attended by such officers as may be required. The *Samiti* shall meet at least once in every three months.

(7) (a) There shall be *Upaklesha Nivarana Samiti* in the university to deal with grievances of teachers and other employees of the university. The *Upaklesha Nivarana Samiti* shall consist of the following members, namely:

*Upaklesha Nivarana Samiti* (Grievances Committee).

(i) The *Sama Kulaguru—Adhyaksha*;

(ii) Four members of the *Vyavasthapana Parishad* nominated by the *Vyavasthapana Parishad* from amongst themselves;

(iii) The *Kulasachiva—Sadasya-Sachiva*;

(b) The *Kulasachiva* shall not have a right to vote.

(c) It shall be lawful for the *Upaklesha Nivarana Samiti* to entertain and consider grievances or complaints which are not within the jurisdiction of the Tribunal. The *Upaklesha Nivarana Samiti* shall hear and settle grievances as far as may be practicable within six months and report to the *Vyavasthapana Parishad* to take such action as it deems fit and the decisions of the *Vyavasthapana Parishad* on such reports shall be final.

## CHAPTER VIII.

### TEACHERS AND EMPLOYEES OF THE UNIVERSITY.

55. (1) (a) All appointments to the teaching and non-teaching post created by or under this Act shall be made strictly on merit and merit alone. Seventy per cent, of these appointments, departmentwise, shall be under a contract in writing for a fixed tenure of not more than five years. Every such appointment shall be renewable at the option of the university and such renewal shall be treated as a fresh appointment.

Selection and appointment of university teachers.

(b) Subject to the provisions of this Act, Statutes and Ordinances, the *Kulaguru* shall, till the University Grants Commission's scheme of recruitment becomes operative, appoint a university teacher according to the order of merit and recommendations made by the Selection Committee.

(2) The Selection Committee for making recommendations for appointment of university teachers shall consist of the following members, namely:—



(a) the *Kulaguru*, or the *Sama-Kulaguru* upon directions of the *Kulaguru-Adhyaksha*;

(b) one person, nominated by the *Kulaguru*;

(c) the *Adhishthata* of the *Sankaya* concerned ;

(d) the Head of the university department or a head of the concerned institution;

(e) at least three experts, nominated by the *Vyavasthapan Parishad* out of a panel of not less than six names of experts not connected with the university, recommended by the *Vidvat-Parishad*, who have special knowledge of the subject for which the teacher is to be selected ;

(f) one person belonging to Scheduled Castes or Scheduled Tribes or Other Backward Classes, nominated by the *Kulaguru* :

Provided that, a Head, referred to in clause (d), who is a reader shall be of a cadre higher than the post for which the selections are being made:

Provided further that, for the post of a Professor the person in clause (d) shall be a Professor.

(3) The *Kulasachiva* shall act as the *Sachiva* of the Committee.

(4) Every post of a university teacher, to be filled by selection, shall be duly and widely advertised, according to the draft approved by the *Kulaguru*, together with particulars of the minimum and additional qualifications, as prescribed, the emoluments and number of posts to be filled, the number of posts which are reserved for the members of the Scheduled Castes or Scheduled Tribes or Other Backward Classes and reasonable time, to be determined by the *Kulaguru*, shall be allowed within which the applicants may, in response to the advertisement, submit their applications.

(5) The date of the meeting of every selection committee shall be so fixed as to allow a notice of at least thirty days of such meeting, being given to each member, and the particulars of each candidate shall be sent to each member of the selection committee so as to reach him at least seven days before the date of meeting.

(6) The quorum to constitute a meeting of every selection committee shall be four members, of whom at least two shall be persons nominated under clause (e) of sub-section (2):

Provided that, for the post of professor, the Selection Committee may in preference to the candidates who have applied and appeared before it, recommend for appointment, with all the requisite details, the name of any, other person who may not have applied or appeared before it, but who is duly qualified and has to his credit exceptionally high academic achievements or

proficiency in the specialisation or has extraordinary academic contribution, to be recorded in writing.

(7) If, on petition by any person directly affected, or *suo motu*, the *Kuladhipati*, after making or having made such inquiries or obtaining or having obtained such explanations, including explanations from the teachers having obtained such explanations, including explanations from the teachers whose appointments are likely to be affected, as may be or may have been necessary, is satisfied that the appointment of a teacher of the university, made by any authority or officer of the university at any time was not in accordance with the law at that time in force, the *Kuladhipati*, may, by order, notwithstanding anything contained in the contract relating to the conditions of service of such teacher, direct the *Kulaguru* to terminate his appointment after giving him one month's notice or one month's salary in lieu of such notice, and the *Kulaguru* shall forthwith comply and take steps for a fresh selection to be made. The person whose appointment has been so terminated shall be eligible to apply again for the same post.

(8) Any order made by the *Kuladhipati*, under the last preceding subsection, shall be final and a copy of the order shall be served on the teacher concerned by the *Kulaguru* within three days from its receipt.

(9) It shall be the duty of the *Kulaguru* to ensure that no payment whatsoever is made to any person, by way of salary or allowances, from the funds of the university, for any period after the termination of his services, and any authority or officer authorising or making any such payment shall be liable to reimburse the amount so paid to the university.

56. Where an appointment is to be made on a temporary vacancy of a teacher of the university, the appointment shall be made, if the vacancy is for a period of more than one year, on the recommendation of the selection committee in accordance with the provisions of the last preceding section:

Filling  
temporary  
vacancies  
of  
university  
teachers.

Provided that, if the *Kulaguru* is satisfied that, in the interest of teaching, it is necessary to fill in the vacancy immediately, he may make the appointment of a person duly qualified, for a period not exceeding one year in the first instance on the recommendation of a Local Selection Committee constituted as follows, and shall inform the *Vyavasthapana Parishad* of such appointments ;—

(i) the *Kulaguru—Adhyaksha*;

(ii) the *Adhishthata* of the faculty concerned;

(iii) the head of the department concerned; and

(iv) one expert nominated by the *Kulaguru*, except that, where the head of the department is also the *Adhishthata*, the *Kulaguru* shall nominate two persons instead of one.



Appoint-  
ment and  
selection of  
principals  
of  
conducted  
colleges.

57. The selection committee for selection of principals of conducted colleges or sanchalakas or heads of university institutions or Post-Graduate Centres or Sub-Centres maintained by the university, shall consist of the following, namely :—

- (a) the *Kulaguru—Adhyaksha*;
- (b) one nominee of the *Kulaguru*;
- (c) two experts, nominated by the *Vyavasthapana Parishad* and one expert nominated by the *Vidvat-Parishad*, who are not connected with the university.

Selection  
committees  
for officers  
and  
employees  
of  
university.

58. (1) (a) There shall be a selection committee for making recommendations of suitable candidates for appointment to the posts of—

- (i) *Kulasachiva*;
- (ii) *Pariksha Niyantaka*;
- (iii) *Vitta-Lekha Adhikari*;
- (iv) *Pradhana Granthapala*;

(b) The selection committee shall consist of—

- (i) the *Kulaguru*, or the *Sama-Kulaguru* upon the direction of the *Kulaguru, Adhyaksha*;
- (ii) two members nominated by the *Vyavasthapana Parishad*, from amongst its members;
- (iii) a *Adhishthata*, not being a member of the *Vyavasthapana Parishad*, nominated by the *Kulaguru*;
- (iv) two experts having special knowledge in the field related to the post to be filled, who are not connected with the university, and affiliated college or recognised institution, nominated by the *Kulaguru*;
- (v) one person belonging to Scheduled Castes or Scheduled Tribes, or Other Backward Classes, nominated by the *Kulaguru*;
- (vi) the *Kulasachiva* shall act as *Sadasya Sachiva* of the selection committee, except where he himself is a candidate for the post.

(2) The selection committee for and mode of, appointment of other officers of the university shall be such as may be prescribed.

(3) The selection committee for and mode of, appointment for principals, teachers and other employees of affiliated college shall be such as may be prescribed.

(4) The management of any affiliated college, shall before proceeding to fill in vacancies of teachers and other employees in accordance with the prescribed procedure shall ascertain from the university and the *Sanchalaka* of Higher Education whether there is any suitable person available on the list of surplus persons maintained by the university for absorption in other colleges



and in the event of such person being available the management shall appoint that person.

59. In addition to the *Samities* constituted under this Act, the authorities of the university may appoint *Samities* with suitable terms and reference for any specific task, and such *Samities* shall consist of members of the same authority constituting such a *Samities* and also of such other persons as that authority may nominate.

Other  
samities.

60. The university and College Tribunal constituted for the Nagpur University shall be the Tribunal for the purposes of the university and the colleges affiliated to, or the institutions and *thepathashalas* recognised by, the university.

Tribunal.

## CHAPTER IX.

### PERMISSION, AFFILIATION AND RECOGNITION.

61. (1) The management applying for affiliation or recognition, and management whose college or institution, *orpathashala* has been granted affiliation or recognition, shall give and comply with the following undertaking,—

Conditions  
for  
affiliation  
and  
recogni-  
tion.

(a) that the provisions of the Act and Statutes, Ordinances and Regulations thereunder and the Standing Orders and directions of the university shall be observed;

(b) that there shall be a separate Local Managing Committee provided for an affiliated college as provided by section 65.

(c) that the number of students admitted for courses of study shall not exceed the limits prescribed by the university and the State Government from time to time;

(d) that there shall be suitable and adequate physical facilities such as buildings, laboratories, libraries, books, equipment required for teaching and research, hostels, gymnasium, as may be prescribed;

(e) that the financial resources of the college or institution or pathashala shall be such as to make due provision for its continued maintenance and working;

(f) that the strength and qualifications of teaching and non-teaching staff of the affiliated colleges and recognised institutions or pathashalas and the emoluments and the terms and conditions of service of the staff of affiliated colleges shall be such as prescribed by the university and which shall be sufficient to make due provision for courses of study, teaching or training or research efficiently;

(g) that the services of all teaching and non-teaching employees and the facilities of the college to be affiliated shall be made available for conducting examinations and for promoting other activities of the university;



(h) that the directions and orders issued by the *Kuladhipati, Kulaguru* and other officers of the university in exercise of the powers conferred on them under the provisions of the Act, Statutes, Ordinances and Regulations shall be complied with;

(i) that there shall be no change or transfer of the management without previous permission of the university;

(j) that the college institution or pathashala shall not be closed without previous permission of the university;

(K) that in the event of disaffiliation or derecognition or closure of the college or institution under section 71 all the assets of the college institution or *pathashala* including building and equipment which have been constructed or created out of the amount paid as grant-in-aid by the State Government or the University Grants Commission shall vest in the State Government.

Procedure  
for  
permis-  
sion.

62. (1) The university shall prepare a perspective plan for educational development for the location of institutions of higher learning in a manner ensuring equitable distribution of facilities for Higher Education having due regard, in particular, to the needs of unserved and under developed areas within the jurisdiction of the university. Such plan shall be prepared by the *Niyojana Vikas Mandala* and shall be placed before the *Vidvat-Parishad* and shall be updated every five years.

(2) No application for opening a new college or institution of higher learning, which is not in conformity with such plan, shall be considered by the university.

(3) The managements seeking permission to open a new college or institution of higher learning shall apply in the prescribed form to the *Kulasachiva* of the university before the last day of October of the year proceeding the year from which the permission is sought.

(4) All such applications received within the aforesaid prescribed time-limit, shall be scrutinised by the *Niyojana-Vikas Mandala* and be forwarded to the State Government on or before the last day of December of the year, with such recommendations, duly supported by relevant reasons, as are deemed appropriate by the *Niyojana Vikas Mandala*.

(5) Out of the applications recommended by the university, the State Government may grant permission to such colleges or institutions, as it may consider right and proper in its absolute discretion, taking into account the State Government's budgetary resources, the suitability of the managements seeking permission to open new colleges or institutions and the State level priorities with regard to location of institutions of higher learning:

Provided, however, that in exceptional cases and for the reasons to be recorded in writing any application not recommended by the university may be approved by the State Government for starting a new college or institution of higher learning.

(6) No application shall be entertained directly by the State Government for the grant of permission for opening new college or institutions of higher learning.

63. (1) On receipt of the permission from the State Government under section 62, the *Vidvat-Parishad* of the university shall consider grant of first time affiliation to the new college by following the prescribed procedure given in sub-section (2) and after taking into account whether and the extent to which the stipulated conditions have been fulfilled by the college. The decision of the *Vidvat-Parishad* in this regard shall be final.

Procedure  
for  
affiliation.

(2) For the purpose of considering the application for the grant of affiliation the *Vidvat-Parishad* shall cause an inquiry by a committee constituted for the purpose by it.

(3) The *Vidvat-Parishad* shall decide,—

- (a) whether affiliation should be granted or rejected;
- (b) whether affiliation should be granted in whole or part;
- (c) subjects, courses of study, the number of students to be admitted ;
- (d) conditions, if any, which may be stipulated while granting or for granting the affiliation.

(4) The *Kulasachiva* shall communicate the decision of the *Vidvat-Parishad* to the Management with a copy to the *Director* of Higher Education, and if the application for affiliation is granted, along with an intimation regarding—

- (a) the subjects and the courses of study approved for affiliation;
- (b) the number of, students to be admitted;
- (c) the conditions, if any, subject to the fulfilment of which the approval is granted.

(5) The procedure referred to in section 62 shall apply, *mutatis mutandis*, for the permission to open new courses, additional faculties, new subjects and additional divisions.

(6) No student shall be admitted by the college unless the first time affiliation has been granted by the university to the college.

(7) The procedure referred to in sub-sections (1) to (4) shall apply *mutatis mutandis*, for the consideration of, continuation of affiliation, from time to time.

64. (1) The management of an institution actively conducting research or specialised studies for a period of not less than five years, and seeking recognition shall apply to the *Kulasachiva* of the university, with full information regarding the following matters, namely:—

- (a) the constitution and personnel of the management;
- (b) the subjects and courses of study for which recognition is sought;

Procedure  
of  
recogni-  
tion of  
institu-  
tions and  
pathashala.



(c) the accommodation, equipment and the number of students for whom provision has been made;

(d) the staff, permanent, visiting and honorary, of the institution, recognised for guiding research or recognisable for the purpose by the university; their experience, evidence of research work carried out at the institution, publications, reports, monographs, books published by the institution;

(e) the fees levied, or proposed to be levied, and the provisions made for capital expenditure on buildings, equipment and for the continued maintenance and efficient working of the institution.

(2) Before considering such an application, the *Niyojana Vikasa Mandala* may call for any further information which it thinks necessary.

(3) If the *Niyojana Vikasa Mandala* decides to consider the application, it may direct a local inquiry to be made by the competent person or persons having specialised knowledge in the subject or field concerned. After considering the report of such inquiry, and making such further inquiry, as it may think necessary, the *Niyojana Vikasa Mandala* shall submit to the *Vidvat-Parishad* the proposal to grant or reject the application, in part or in whole.

(4) The *Vidvat-Parishad* shall after considering the proposal submitted by the said *Mandala*, may, either grant or reject it. The decision of the *Vidvat-Parishad* in the matter shall be final and binding.

(5) Procedure for the recognition of *Pathashalas* shall be as follows, namely:—

The management of a *Pathashalas* actively engaged in teaching Sanskrit, for a period of not less than two years, and seeking recognition shall apply to the *Kulasachiva* of the university with full information regarding the following matters, namely:—

(a) the institution and personnel of the management;

(b) the subject and courses of study for which the recognition is sought;

(c) the accommodation, equipments and the number of students for whom provision has been made ;

(d) the staff permanent, visiting and honorary, with their qualifications and other relevant details regarding publication, etc.;

(e) the fees levied or proposed to be levied and the provisions made for capital expenditure on buildings, equipments and for the continued maintenance of the *pathashala*;

(f) before considering such an application the *Niyojana Vikasa Mandala* may call for any further information which it thinks necessary;

(g) if the *Niyojana Vikasa Mandala* decides to consider the application it may appoint a local committee to examine the proposal carefully. After considering the report of the committee the *Niyojana Vikasa Mandala* shall forward its recommendations to the *Vidvat-Parishad* to grant or reject the application in part or in whole;

(h) the *Vidvat Parishad* shall after considering the proposal submitted by the *Niyojana Vikasa Mandala* may either grant or reject it and inform the *Vyavasthapana Parishad* accordingly.

65. (1) There shall be a separate local managing committee for every affiliated college or institution, consisting of the following members, namely:—

Local  
managing  
or  
advisory  
committee  
of an  
affiliated  
college,  
institution.

(a) President or Chairman of the management—Chairman; (6) Secretary of the management or his nominee ;

(b) Secretary of the management or his nominee;

(c) three local members representing different fields of the area nominated by the management;

(d) three teachers, of the college or institution as per seniority by rotation;

(e) one non-teaching employee, other than Class IV as per seniority by rotation from amongst elected by the non-teaching employees of the college or institution;

(f) Principal—*Sadasya-Sachiva*.

(2) For a college or institution managed and maintained by the Government or local authority, the local advisory committee shall consist of the following members, namely:—

(i) Joint Director or Deputy Director nominated by the Director of Higher Education;

(ii) three persons representing different fields or activities, nominated by the Director of Higher Education;

(iii) three teachers, nominated by the teachers of the college or institution;

(iv) one representative of non-teaching employee of the college or institution, other than Class IV employees;

(v) Principal—*Sadasya-Sachiva*.

(3) The local managing or advisory committee shall meet at least twice a year.

(4) The members elected or nominated shall have a term of three years.

(5) The powers and duties of the local managing or advisory committee shall be to,—

(a) prepare the budget and financial statements;



(b) recommend to the management the creation of the teaching and other posts;

(c) determine the programme of instruction and internal evaluation and to discuss the progress of studies in the college;

(d) make recommendations to the management for the improvement of the standard of teaching in the college;

(e) formulate proposals of new expenditure not provided for in the college budget;

(f) advise the principal regarding the intake capacity of various classes, preparation of time-tables, distribution of the available teaching workload and such other matters relating to the internal management of the college and discipline of the college students as may be referred to it by the principal, from time to time;

(g) consider and make recommendations on the inspection report, if any;

(h) consider and make recommendations on the report of the local inquiry committee, if any;

(i) prepare the annual report on the work done by committee for the year ending on the 30th June and submit the same to the management, the *Vyavasthapan Parishad*, of the university and to the *sanchalaka*;

(j) perform such other duties and exercise such other powers as may be entrusted by the management and the university.

Continuation of affiliation or recognition.

66. The affiliated college, recognised institution or *pathashala* may apply for continuation of affiliation or recognition for the courses of study for which affiliation or recognition was granted ordinarily six months prior to the date of expiry of such affiliation or recognition. The university shall follow the procedure prescribed in the Statutes so far as applicable for grant of continuation.

Extension of affiliation or recognition.

67. The affiliated college or recognised institution or *pathashala* may apply for affiliation or recognition for additional courses of study. The university shall follow the procedure as prescribed in sections 61, 63 and 64 as may be applicable.

Permanent affiliation and recognition.

68. The affiliated college or recognised institution or *pathashala* with at least six years standing as an affiliated or recognised institution or *pathashala* may apply for permanent affiliation or recognition. The *Niyojana Vikasa Mandala* shall consider and scrutinise the application and make recommendation to the *Vidvat-Parishad*. If the *Vidvat Parishad* is satisfied that the affiliated college or recognised institution or *pathashala* has fulfilled all the conditions of affiliation or recognition satisfactorily and has attained high academic and administrative standards as prescribed by the university,



from time to time, the *Vidvat-Parishad* shall grant permanent affiliation or recognition to the college or institution or *pathashala*, as the case may be.

69. (1) Every affiliated college and recognised institution and *pathashala* shall furnish such reports, returns and other particulars as the university may require for enabling it to judge the academic standards and standards of academic administration of the college or recognised institution.

Inspection  
of colleges  
and  
recognised  
institu-  
tions, and  
*pathashalas*.

(2) The *Kulaguru* shall cause every university department or institution, affiliated college, recognised institution or *pathashala* to be inspected, at least once in every three years, by one or more Samitis appointed by him in that behalf which shall consist of the following members, namely :—

(a) the *Sanchalaka*, *Niyojana Vikasa Mandala* or an *Adhishtata* nominated by the *Kulaguru-Adhyaksha* ;

(b) one expert, not connected with the university, nominated by the *Vidvat-Parishad*;

(c) one expert, to be nominated by the *Vyavasthapan Parishad*:

Provided that, no such member shall be connected with the management of the college, the institution or *pathashala* concerned.

(3) The Samiti shall submit its report to the *Kulaguru* for his consideration and for further action as may be necessary under subsection (14) of section 14.

70. (1) If an affiliated college or recognised institution or *pathashala* fails to comply with the conditions of affiliation or recognition as provided in section 61 or to allow the local managing or advisory committee as provided in section 65 to function properly or to take action as per direction issued under the Act or if it is conducting the college or recognised institution in a manner prejudicial to the interest of the university or the standards laid down by it, the *Niyojana Vikasa Mandala* may issue a notice to the management to show cause as to why the privileges conferred on the college or recognised institution or *pathashala* by affiliation or recognition should not be withdrawn in part or in whole or modified.

With-  
drawal of  
affiliation  
or  
recogni-  
tion.

(2) The *Niyojana Vikasa Mandala* shall mention the grounds on which it proposes to take the above mentioned action and shall send a copy of the notice to the principal of the college, or head of recognised institution or *pathashala*. It shall also specify in the notice, the period being a period which shall not be less than thirty days within which the management should file its written statement in reply to the notice;

(3) On receipt of such written statement or on expiry of the period specified in the notice issued under sub-section (1), the *Niyojana Vikasa*



*Mandala* shall place before the *Vidvat-Parishad*, the notice and the written statement, if any, with or without the motion for withdrawal or modification of such privileges.

(4) The *Vidvat-Parishad* shall having regard to the interest of students in the colleges or recognised institutions or *pathashala*, recommend to ; the *Kulaguru* the action to be taken in this behalf and the *Kulaguru* shall, thereafter, proceed to implement the recommendations.

Closure of  
the college  
or  
recognised  
instituition  
or  
*pathashala*.

71. (1) No management of a college or recognised institution or *pathashala* shall be allowed to close down the college or recognised institution or *pathashala* without prior permission of the State Government i and the university.

(2) The management desirous of closing down the college or recognised institution or *pathashala* shall apply to the university on or before the first day of August of the proceeding year, stating fully the grounds for closure, and pointing out the assets in the form of buildings and equipment, their original cost, the prevailing market value and the grants so far received by it either from the University Grants Commission, the State Government or from public funding agencies.

(3) On receipt of such an application, the *Vidvat-Parishad* shall cause to make enquiries as it may deem fit, to assess and determine whether, the college or recognised institution or *pathashalas* be permitted to effect the closure. The *Vidvat-Parishad* may examine whether the closure should be avoided by providing necessary assistance or taking over of the college, institution or *pathashala* by the university or transferring it to another management.

(4) If the *Vidvat-Parishad* decides to recommend the closure, it shall prepare and submit to the *Vyavasthapana Parishad*, a report on the extent of damages or compensation to be recovered from the management and whether the assets created utilising the funds provided by the University Grants Commission, the State Government or other public funding ; agencies, be transferred to the university or the management and the payment of compensation to the teachers and the staff retrenched.

(5) The *Vidvat-Parishad* shall, with prior concurrence of the *Vyavasthapana Parishad* and approval of the State Government then decide whether the affiliated college or recognised institution or *pathashala* ; be permitted the closure.

(6) If the university decides to take over the college or recognised institution or *pathashala* or transfer the same to another management, the procedure to be followed shall be such as may be prescribed.

(7) The procedure to effect the closure shall be in phases so as to ensure that the students already admitted to the college or recognised instituion or *pathashala* are not affected, and that the first year shall be closed first and no new admissions shall be effected. The procedure to phase out the closure shall be such as may be prescribed.



## CHAPTER X.

## ENROLLMENT, DEGREES AND CONVOCATIONS.

72. All post-graduate instruction, teaching, training and research shall normally be conducted within the university area by the university, affiliated colleges and the recognised institutions and *pathashala* in the manner prescribed.

Post  
graduate  
teaching  
and  
research.

73. A person to be enrolled as a student of the university shall possess such qualifications and fulfill such conditions as may be prescribed.

Enrolment  
of students.

74. (1) All powers relating to discipline and disciplinary action in relation to the students of the university, shall vest in the *Kulaguru*.

Disciplin-  
ary  
powers  
and  
discipline  
among  
students.

(2) The *Kulaguru* may, by order, delegate, all or any of his powers under the Act as he deems fit, to such other officers as he may nominate in that behalf.

(3) The *Kulaguru* may, in exercise of his powers, by order, direct that any student or students be expelled or rusticated for a specified period, or be not admitted to a course or courses of study in a college, institution or department of the university for a specified period, or be punished with fine, not exceeding three hundred rupees, or be debarred from taking an examination or examinations conducted by the department, college or institution maintained by the university for a specified period not exceeding five years or that the result of the student or students concerned in the examination in which he or they have appeared be cancelled:

Provided that, the *Kulaguru* shall give reasonable opportunity to the student concerned of being heard, if expulsion is for a period exceeding one year.

(4) Without prejudice to the powers of the *Kulaguru*, the principals of conducted colleges, heads of university institutions and the heads of departments of the university shall have authority to exercise all such powers over the students in their respective charge as may be necessary for the maintenance of proper discipline.

(5) The *Kulaguru* shall, subject to the approval of the *Vyavasthapan Parishad*, make rules of discipline and proper conduct for students of the university which shall also apply to the students of all its conducted colleges and university department or institutions and every student shall be supplied with a copy of such rules.

(6) The principals of the colleges and heads of the institutions, maintained by the university, may frame such supplementary rules of discipline and proper conduct, not inconsistent with the rules made by the *Kulaguru*, as they think necessary and every student shall be kept informed of such supplementary rules.



(7) At the time of admission, every student shall sign a declaration to the effect that he submits himself to the disciplinary jurisdiction of the *Kulaguru* and the other officers and authorities or bodies of the university and the authorities or bodies of the conducted colleges and institutions, and shall observe and abide by the rules made by the ; *Kulaguru* in that behalf and in so far as they may apply, the supplementary rules made by the principals of conducted colleges and heads of university institutions.

(8) All powers relating to disciplinary action against students of an affiliated college or recognised institution or *pathashala* not maintained by the university, shall vest in the principal of the affiliated college or head of the recognised institution or *pathashala*, and the provisions of the foregoing subsections including the rules, if any, made thereunder, shall *mutatis mutandis* apply to such colleges, institutions, *pathashala* and students therein.

Degrees  
diplomas,  
certificates  
and  
distinc-  
tions.

75. (1) The *Vyavasthapana Parishad* may institute and confer such degrees, diplomas, certificates and the academic distinctions as may be recommended by the *Vidvat-Parishad*.

(2) The *Kuladhipati* may, on the recommendation of the *Vyavasthapana-Parishad* and the *Vidvat-Parishad*, supported by a majority of not less : than two-third members of each such authority, present at its meeting, such majority comprising not less than one-half of members of each such authority, withdraw the degree or diploma or certificate or any other academic distinction permanently or for such period as the *Kulaguru* thinks fit, if such a person is convicted by a court of law for any offence : involving moral turpitude. No such action under this section shall be taken unless the person concerned is given an opportunity to defend himself.

Honorary  
degree.

76. (1) The *Vyavasthapana Parishad* may consider and approve the conferment of an honorary degree or other academic distinction on any ; person, without requiring him to undergo any test or examination, on the ground solely that he, by reason of his eminent position, attainments and public services, is a fit and proper person to receive such degree or other academic distinction, and such recommendation shall be deemed to have been duly passed if supported by a majority of not less than ; two-thirds of the members present at the meeting of the *Vyavasthapana Parishad*, being not less than one-half of its total membership:

Provided that, the *Vyavasthapana Parishad* shall not entertain or consider any proposal in that behalf without the *Kulaguru* having obtained the previous approval of the *Kuladhipati*.



77. The convocation of the university shall be held at least once during an academic year in addition to special convocation if any in the manner as prescribed. Convoca-  
tion.

78. (1) Subject to the provisions of sub-section (2), the persons who are graduates of the university shall be entitled to have their names entered in the register of registered graduates or deemed to be registered graduates, maintained by the university. Registered  
graduates.

(2) A person who—

(a) is of unsound mind and stands so declared by a competent court;

(b) is an undischarged insolvent;

(c) is convicted for an offence involving moral turpitude;

(d) is a registered graduate of any other university established by law in the State of Maharashtra;

shall not be qualified to have his name entered in the register of graduates.

(3) Every person who intends to be registered graduate shall make an application to the *Kulasachiva* in such form and make payment of such fees as are prescribed by the statutes.

(4) The *Kulaguru* shall, after making such inquiry as he thinks fit, decide whether the person is entitled to be a registered graduate. If any question arises whether a person is entitled to have his name entered in the register of graduates or be a registered graduate or is not qualified to be a registered graduate, it shall be decided by the *Kulaguru* after making such inquiry as he thinks fit and his decision shall be final.

79. The *Kuladhipati* may, on the recommendation of the *Vyavasthapana Parishad*, supported by a majority of not less than two-thirds of its members present at its meeting, such majority comprising not less than one-half of its members, remove the name of any person from the register of graduates for such period as the *Kuladhipati* thinks fit, if such person has been convicted by a court for any offence which, in the opinion of the *Vyavasthapana Parishad*, is a serious offence involving moral turpitude. Removal  
of name  
from  
register of  
graduates.

## CHAPTER XI.

### UNIVERSITY FUNDS, ACCOUNTS AND AUDIT.

80. (1) The annual financial estimates (budget) of the university for ensuing financial year shall be prepared by the *Vitta-lekha Adhikari* under the direction of the *Vitta-Lekha Samiti*, at least two months before the commencement of the financial year. Annual  
financial  
estimates.

(2) The *Vitta-Lekha Adhikari* shall thereafter forward copies of financial estimates as approved by the *Vyavasthapana Parishad* to the State Government.

(3) The financial year of the university shall be the same as that of the State Government.

University  
funds.

81. (1) The university shall establish the following funds, namely :—

(a) General Fund;

(b) Salary Fund;

(c) Trust Fund;

(d) Development and Programme Fund;

(e) Contingency Fund;

(f) any other fund which, in the opinion of the university, is deemed necessary to establish.

(2) The following shall form part of, or be paid in to the General Fund,—

(a) non-salary contribution or grant received from the State Government or Central Government or University Grants Commission ;

(b) all incomes of the university from any source whatsoever, including income from fees and charges ;

(c) any sums borrowed from the banks or any other agency, with the permission of the State Government;

(d) sums received from any other source or agency.

(3) The Salary Fund shall consist of all amounts received from the : State Government, Central Government or University Grants Commission towards full or part payment of the salary and allowances. No amount from this fund shall be utilised -for the purposes other than payment of salary and allowances.

(4) All income or moneys from trusts, bequests, donations, endowments, subventions and similar grants shall form the Trust Fund.

(5) (a) The Development and Programme Fund of the university shall consist of all infrastructure development grants received from the State Government, all contributions made by the University Grants Commission for development and research grants received from other funding agencies of the Central Government, United Nations and its affiliates, other international agencies, industry, banks and financial institutions or any person;

(b) No amount from this fund shall be appropriated to any other fund of the university or expanded for any other purpose;

(c) The Development and Programme Fund shall be utilised in the manner consistent with the object of the programmes for which a suitable code will be adopted to include the guidelines of the funding agency on



expenditure and audit, to be granted and approved by the *Vyavasthapana Parishad*.

(6) The university shall have and maintain a Contingency Fund under a separate head of the university accounts which shall be used only for the purposes of meeting any unforeseen expenditure.

(7) Surplus money at the credit of these funds, which cannot immediately or at any early date be applied for the purposes aforesaid shall, from time to time, be deposited in the bank as directed by the *Vyavasthapana Parishad*.

*Explanation.*—For the purposes of this sub-section, the expression “bank” means,—

23 of 1955. (i) the State Bank of India constituted under the State Bank of India Act 1955;

38 of 1959. (ii) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 ;

5 of 1970. (iii) a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 or under 40 of 1980. section 3 of the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1980.

2 of 1934. (iv) any other bank, being a Scheduled Bank as defined in clause (e) of section 2 of the Reserve Bank of India Act, 1934, or being such a bank as may be approved by the State Government.

82. (1) The accounts of the university shall be audited at least once Annual every year and in any case within six months of the close of the financial year by the auditors appointed by the *Vyavasthapana Parishad* from amongst the firms of Chartered Accounts whose partners have no interest in any of the authorities or affairs of the university.

Annual  
accounts  
and audit.

(2) The audited accounts shall be published by the university and a copy thereof, together with the copy of the auditor's report, shall be submitted to the *Kuladhipati*, State Government and, on receipt of such audited accounts the *Vyavasthapana Parishad* shall consider and pass such resolution thereon as it thinks fit.

(3) The State Government may conduct the test audit or full audit of the accounts of the university at regular intervals by the auditors appointed by the State Government.

83. The Annual report of the university shall be prepared and published by the university and such report as approved by the *Vyavasthapana Parishad* shall be submitted to the *Kuladhipati* and the State Government.

Annual  
Report.

## CHAPTER XII.

### MISCELLANEOUS.

Authori-  
ties and  
officers  
responsible  
for  
damages.

84. (1) It shall be the duty of every authority or body and officer of the university to ensure that the interests of the university are duly safeguarded.

(2) If it is found that a damage or loss has been caused to the university by any action on the part of any authority or body or officer of the university not in conformity with the provisions of this Act, Statutes, Ordinances or Regulations, except when done in good faith, or any failure so as to act in conformity thereof, by willful neglect or default on its or his part, such damage or loss shall be liable to be recovered from the authority or body or concerned members thereof, jointly or severally, or from the officer concerned, as the case may be, in accordance with the procedure prescribed by the Statutes.

Member-  
ship of  
State  
Legisla-  
ture and of  
Parlia-  
ment.

85. (1) A teacher of the university or a private college or *pathashala* shall not be disqualified for continuing as such teacher merely on the ground that he has been elected or nominated as member of the Legislative Assembly or of Parliament.

(2) A teacher elected or nominated as a member of the Legislative Assembly or of Parliament shall be entitled to treat the period of his membership of the Legislative Assembly or of the Parliament as on leave without pay and allowances.

(3) A teacher referred to in sub-section (2) shall also be entitled to count the period of his membership of the Legislative Assembly or of Parliament for the purpose of pension, seniority and increments.

Questions  
regarding  
interpreta-  
tion and  
disputes  
regarding  
constitu-  
tion of  
university  
authority  
or body,  
etc.

86. If any question arises regarding the interpretation of any provision of this Act, or of any Statutes, Ordinance, Regulation or Rule, or whether a person has been duly elected or appointed or nominated or co-opted or is entitled to be a member of any authority or body of the university, the matter may be referred, on petition by any person or body directly affected, or *suo motu* by the *Kulaguru* to the *Kuladhipathi*, who shall after taking such advice as he thinks necessary, decide the question, and his decision shall be final.

Protection  
of acts and  
orders.

87. All acts and orders done or passed in good faith by the university, or any of its officers, authorities or bodies, shall subject to the other provisions of this Act, be final; and accordingly, no suit or other legal proceedings shall be instituted against, or maintained, or damages claimed from, the University or its officers, authorities or bodies for anything done or passed, or purporting to have been done or passed in good faith and in pursuance of the provisions of this Act and the Statutes, Ordinance, Regulations and Rules.



88. Subject to the provisions of this Act and the Statutes, any officer or authority of the university may, by order, delegate his or its powers, except the powers to make Statutes, Ordinances, Rules and Regulations to any other officer or authority under his or its control, and subject to the condition that the ultimate responsibility for the exercise of the powers so delegated shall continue to vest in the officer or authority delegating them.

Delegation of powers.

89. No act or proceeding of the *Vyavasthapana Parishad* or *Vidvat-Parishad* or any other authority or any body or committee of the university including a committee appointed by the *Kulaguru* for the appointment of a *Kulaguru* shall be deemed to be invalid at any time merely on the ground that—

Acts and proceedings not invalid merely on ground of defect in constitution, vacancies, irregularity in procedure, etc.

(a) any of the members of any such authority, body or committee are not elected, appointed, nominated or co-opted or for any other reason are not available to take office at the time of the constitution or to attend any meeting thereof or any person is a member in more than one capacity or there is any other defect in the constitution thereof or there are one or more vacancies in the offices of members thereof;

(b) there is any irregularity in the procedure of any such authority, body or committee not affecting the merits of the matter under consideration, and the validity of such act or proceeding shall not be questioned in any court or before any authority or officer merely on any such ground.

### CHAPTER XIII.

#### ESTABLISHMENT OF THE SANSKRIT UNIVERSITY.

90. Notwithstanding anything contained in the provisions of this Act the first *Kulaguru*, the first *Sama Kulguru*, the first *Kulasachiva* the *SrstVitta-Lekha Adhikari* and other officers, shall be appointed by the State Government and their terms and conditions of service shall be specified by the State Government. They shall hold office for a period of five years or till the appointments are made in accordance with the provisions of this Act, whichever is earlier.

First appointments.

91. Notwithstanding anything contained in the provisions of this Act, the State Government shall constitute the first *Vyavasthapana Parishad*, the *Vidvat-Parishad* and the *Niyojana Vikas Mandala* and the *Sadasya* of such authority shall hold office until the authorities are constituted in accordance with the relevant provisions of this Act.

Constitution of first authorities.

92. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion requires, but not later than two years from the date of commencement of this Act, by order, do anything, not inconsistent with the objects and purposes of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty.

Removal of difficulties.



**STATEMENT OF OBJECT AND REASONS.**

Sanskrit language and literature is the repository of the ancient Indian wisdom. Sanskrit Language has a special value and importance in the growth and development of Indian Language. It's unique contribution towards the cultural unity of the country is also now well recognized. The Maharastra State has already established kavi Kalaguru Kalidas Sanskrit Vishva Vidyalaya in 1997. Gujarat has no such Sanskrit University. Since long there is a genuine need to establish a separate University for Sanskrit Language. At present students of Gujarat have been facing much difficulty to study degree course and master degree course in Sanskrit Language. The State Government has also appointed a state level Committee for setting up of a Sanskrit University for the State of Gujarat. It is, therefore a felt need to establish a Sanskrit University in the State.

Hence this Bill

**Bharatbhai Pandya**

**MLA**

Gandhinagar

Dated :- 9-9-2003.

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

The Bill involves the following proposals for delegation of legislative powers, namely :—

*Clause 1 (2).*—It empowers the State Government to bring the Act into force on such date as it may, by notification, in the *Official Gazette*, appoint.

*Clause 8 (3).*—Under this clause a power has been taken to the State Government to prescribe the Standard Code providing for the classification, manner and mode of selection and appointment, absorption of teachers and employees rendered surplus, reservation of posts in favour of the Scheduled Castes, Scheduled Tribes and other Backward Classes, duties, workload, pay, allowances, post-retirement benefits, other benefits, conduct and disciplinary” matters and other conditions of service of the officers, teachers and other employees of the University and colleges, for the purpose of securing and maintaining uniform standard.

*Clause 12 (8).*—Under this sub-clause, the State Government has been empowered to determine the pay and allowances and other emoluments of the *Kulguru*.

*Clause 13 (4).*—Under this sub-clause, the State Government has been empowered to determine the pay and allowances, term and conditions of service of the *Sama Kulaguru*.

*Clause 26 (3), 44 and 45.*—Clauses 26 (3), 44 and 45 empower *Vyavasthapanaparishad* to make, amend or repeal statutes on the subject matters mentioned in clause 44, or in respect of such other subject matters in respect of which it is necessary to make statutes.

*Clauses 46 and 47.*—Clauses 46 and 47 empower the *Vyavasthapanaparishad* to make, amend and repeal Ordinances subject to the conditions prescribed on the subject matter mentioned in clause 46 and in respect of such other subject matters in respect of which it considers it necessary to make Ordinances.

*Clause 48 (1).*—Under sub-clause (1) of clause 48, power to make Regulations, subject to the conditions prescribed, on certain subjects, is conferred on the *Vidvat Parisad*, subject to approval of the *Vyavasthapanaparishad*.

*Clause 48 (2).*—Under sub-clause (2) of clause 48, the power to make rules, on the subject matter mentioned therein, is conferred on any authority or body of the University, subject to previous approval of the *Vyavasthapanaparishad*.

*Clause 90.*—Under this clause, power is taken to the State Government to appoint first *Kulaguru*, first *Kulasachiva*, the first *Sama Kulaguru*, the first *Vitta-Lekhā Adhikari* and other officers to specify their terms and conditions of service.

*Clause 91.*—Under this clause, power is taken to the State Government to constitute the first *Vyavasthapan Parishad*, the *Vidvat Parishad* and *Niyojana Vikas Mandala*.

*Clause 92.*—This clause is intended to enable the State Government to make an order for removing any difficulty, which may arise in the implementation of the Act during the initial period of two years.

2. All the above proposals for delegation of legislative powers are of a normal character.

**Bharatbhai Pandya**  
MLA

Gandhinagar  
Dated :- 9-9-2003

### **Financial Memorandum**

Subsection (2) of section 81 of the Bill provides for non-salary contribution or grant by the State Government. Subsection (3) provides for the payment by State Government to the Salary Fund.

These provisions of the Bill if brought in to operation would involve expenditure from the consolidated fund of the State. The total annual expenditure of about rupees 15 crores is likely to be incurred for the carrying out the purposes of this Act.

**Bharatbhai Pandya**  
MLA

Gandhinagar  
Dated :- 9-9-2003.

Gandhinagar,  
Dated 24<sup>th</sup> February, 2004.

**D. M. PATEL,**  
Secretary,  
Gujarat Legislative Assembly.





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# The Gujarat Government Gazette

## EXTRAORDINARY

### PUBLISHED BY AUTHORITY

Vol. XLV]

TUESDAY, FEBRUARY 24, 2004/PHALGUNA 5, 1925

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

#### PART—V

#### Bills introduced in the Gujarat Legislative Assembly.

The following Bill which was introduced on the 24th February, 2004 by SHRI PRADIPSINH JADEJA, M. L. A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

#### GUJARAT BILL NO. 10 OF 2004.

#### THE GUJARAT ONE JOB IN EACH LOWER INCOME GROUP FAMILY BILL, 2004

#### A BILL

*to provide for a job at least to one person in each lower income group family in the State of Gujarat*

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat one Job in Each Lower Income Group Family Act, 2004.

Short title  
extent and  
commence-  
ment

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires :-

Definitions

(a) "adult person" means a person who has attained the age eighteen years;

(b) "family" includes wife, son, daughter, father, mother, brother or sister of a person and residing with him;

(c) "lower income group family" means a family whose yearly income per member of the family is less than Rs. 10,000;

(d) "prescribed" means prescribed by rule made under this Act;

(e) "scheme" means a scheme prepared to give at least one job in each lower income group family.

Report on  
unemploy-  
ment  
condition.

3. The State Government shall prepare and publish a report on unemployment condition and yearly income in each family in the State of Gujarat within six months from the date of coming into force of this Act.

Scheme.

4. (1) On preparation and publications of the report under section 3, the State Government shall prepare and publish within three months a scheme for providing a job carrying a salary of Rs. 1500 per month at least to one adult person in each lower income group family.

(2) The scheme shall be prepared and published in such manner as may be prescribed.

One job in  
each family.

5. (1) After publication of the scheme under section 4, the State Government shall take steps to provide jobs as per the scheme.

(2) If the State Government is unable to provide a job carrying a salary of Rs. 1500 per month to one adult person in a lower income group family, within one year from the date of operation of this Act, an un-employment allowance at the minimum rate of Rs. 50 per day shall be paid to such family until a job is provided to an adult person of such family.

Implementa-  
tion of Act  
and scheme.

6. (1) The State Government shall appoint implementing agencies for implementation of the Act and the scheme in every district in such manner as may be prescribed.

(2) The State Government shall appoint such officers and servants as it may deem necessary for carrying out the purposes of this Act.

Power to  
make rules.

7. (1) The State Government may, by notification, in the *Official Gazette* make rules to carry out all or any of the purposes of this Act.

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(3) Any rescission or modification so made by the Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

**STATEMENT OF OBJECTS AND REASONS**

Unemployment is increasing day by day amongst both the educated and un-educated people. Thousands of young brilliant persons are wasting their time without any work similarly landless agricultural labourers and halpatis are without work for a considerable period in a year. About 50 % of our population is living below poverty line, as a result of which the economic, social, educational and cultural growth is hampered.

To avoid this situation it is very necessary that at least one adult person from each lower income group family, whose yearly income per member of the family is less than Rs. 10,000 is given job and in the alternative the unemployment allowance.

Hence this Bill

Dated 5<sup>th</sup> January, 2004  
Gandhinagar

**PRADIPSINH JADEJA**  
**M.L.A.**

**FINANCIAL MEMORANDUM**

Clause 5 of the Bill provides for providing one job in each lower income group family and in the alternative unemployment Allowance. Clause 6 provides for appointment of officers and servants for carrying out the purposes of the Act.

These provisions if enacted is likely to involve expenditure from the consolidated Fund of the State. As the exact involvement of the expenditure to be incurred by the State Government depends also upon the survey to be carried out by Government under Section 3, it is difficult to give any estimate of recurring or non-recurring expenditure at present.

Dated 5<sup>th</sup> January, 2004  
Gandhinagar

**PRADIPSINH JADEJA**  
**M.L.A.**



**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Sub-Clause (2) of clause 4 empowers the State Government to prescribe the manner in which the scheme shall be prepared and published.

Sub-Clause (1) of clause 6 empowers the State Government to prescribe the manner in which the implementing agencies shall be appointed.

Sub-Clause (2) of clause 6 empowers the State Government to appoint Officers and Servants for carrying out the purposes of the Act.

Sub-Clause (1) of clause 7 empowers the State Government to make rules for carrying out the purposes of the Act.

The delegation of Legislative powers as aforesaid is necessary and of normal character.

Dated 5<sup>th</sup> January, 2004  
Gandhinagar.

**PRADIPSINH JADEJA**  
**M.L.A.**

Gandhinagar,  
Dated 24<sup>th</sup> February, 2004.

**D. M. PATEL,**  
Secretary,  
Gujarat Legislative Assembly.



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Shri Pradipsinh Jadeja M.L.A. is published under rule 127-A of the Gujarat  
Legislative Assembly Rules for general information.

#### GUJARAT BILL NO. 11 OF 2004.

#### THE GUJARAT PUBLIC ENTERPRISES SERVICE COMMISSION BILL, 2004.

#### A BILL

*to provide for the constitution of a Commission for the selection of staff  
for appointment to posts in public enterprises and for matters connected  
therewith and incidental thereto.*

It is hereby enacted in the Fifty-fifth Year of the Republic of India as  
follows:—

1. (1) This Act may be called the Gujarat Public Enterprises Service Commission Act, 2004. Short title  
and  
commence-  
ment.

(2) It shall come into force on such date as the State Government may,  
by notification in the *Official Gazette* appoint.

2. In this Act, unless the context otherwise requires:—

(a) "chairman" means the Chairman of the Commission. Definitions.

(b) "commission" means the Gujarat Public Enterprises Service  
Commission constituted under sub-section (1) of section 3;

(c) "Government" means the Government of Gujarat;

(d) "notification" means notification published in the *Official Gazette* and the word "notified" shall be construed accordingly;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "public enterprises" means a public enterprise of the State of Gujarat whether created by law or registered under any law for the time being in force.

Constitution  
of the  
Gujarat  
Public  
Enterprises  
Service  
Commission.

3. (1) The State Government may, by notification, constitute a Commission by the name of the Gujarat Public Enterprises Service Commission.

(2) The Commission shall be a body corporate having perpetual succession and a common seal, shall sue and shall be sued by the said corporate name.

(3) The Headquarters of the Commission shall be located at such place as may be prescribed by the Government.

Constitution  
of the  
Commission.

4. (1) The Commission shall consist of not less than three and not more than nine members of whom one shall be the Chairman, to be appointed by the State Government.

(2) The Chairman and Members shall be persons who, in the opinion of the Government are man of ability, integrity and understanding and have special knowledge of or practical experience in the public administration or personnel management or industrial management.

Terms and  
conditions  
of service  
of  
Chairman  
and  
members.

5. (1) The Chairman or any other member of the Commission shall hold office for a term of three years from the date on which he enters upon his office;

Provided that a person who has held office as Chairman or other member shall, on the expiration of his term of office, be eligible for appointment for another term of three years only:

Provided further that no person who has attained the age of sixty two years shall be eligible to hold office in any capacity, whether as Chairman or other member.

(2) If the office of the Chairman or any other member becomes vacant by resignation or otherwise or if the Chairman is by reason of absence or for any other reason unable to perform the duties of his office, those duties shall until some person is appointed to the vacant office, or, as the case may be, until the Chairman has assumed his duties, be performed by such one of the other members as the Government may appoint for the purpose.

(3) The Chairman or any other member may resign his office, by writing under his hand, addressed to the Government but he shall continue in office, until his resignation is accepted by the Government.

(4) The salary of the Chairman and other members shall be such as may be prescribed by the Government and the other terms and conditions of service shall be such as may be prescribed.

Removal of  
Chairman  
or  
members.

6. The Government may, after making an inquiry in such manner as may be prescribed, remove the Chairman or any other member from his office on any one of the following grounds:-



- (a) misconduct involving moral turpitude;
- (b) insolvency;
- (c) infirmity of mind or body or
- (d) engages during his term of office in any paid employment outside the duties of his office.

7. (1) The Staff of the Commission shall consist of :-

Staff of the  
Commission.

- (a) Secretary, who shall be appointed by the Government; and
- (b) Such other employees as the Commission may, with the previous approval of the Government, appoint from time to time.

(2) The salary of the Secretary and other employees of the Commission shall be such as may be prescribed.

(3) The other terms and conditions of service of the Secretary and employees of the commission shall be such as may be prescribed.

8. (1) Notwithstanding anything contained in any other law for the time being in force or in any contract, custom or usage to the contrary, it shall be the duty of the Commission to select persons for appointment to the posts in the public enterprises.

Functions of  
the  
Commission.

(2) It shall be the duty of the Commission to advise the public enterprises on such matters as may be referred to it.

9. It shall be the duty of every public enterprise to communicate to the Commission the vacancies existing at the commencement of this Act and estimated total number of vacancies in the public enterprises and such communication shall be sent in respect of all such existing and estimated total number of various vacancies and which are likely to occur during the unexpired portion of the year, within one month after such commencement and in respect of all vacancies such as are likely to occur during each subsequent year within one month after the commencement of such year.

Duty of  
Public  
Enterprises to  
Communicate  
to Commission.

10. (1) The manner of selection of the persons for the appointment to the public enterprise shall be such as may be provided for by regulations.

Manner of  
Selection of  
persons  
and  
procedure  
for the  
conduct of  
the  
business of  
the  
Commission.

(2) The procedure for the conduct of business of the Commission shall be such as may be provided for by regulations.

11. It shall be the duty of the Commission to make recommendations to each of the public enterprises in such manner as may be specified by regulations for appointments to fill the vacancies, communicated to it by such public enterprises.

Duty of  
Commission  
to make  
recommen-  
dation.

Communicated vacancies to be filled only on the recommendation of Commission.

12. (1) Appointments to all the vacancies required to be communicated to the Commission under section 9 shall, on or from such date as the Commission may notify in respect of each public enterprises be made by such public enterprise only on the recommendations of the Commission.

(2) If in any year, the Commission is unable to make recommendations for appointment to all the vacancies communicated to it by a public enterprise under section 9, or if the public enterprise is unable in any year to make appointments on the bases of the recommendations made by the Commission, the vacancies may be carried forward to the subsequent year.

Effect of recommendation of the Commission.

13. Notwithstanding anything contained in any other law for the time being in force, or in any contract, custom or usage to the contrary, appointments to the posts in public enterprises shall be made on the recommendations of the Commission.

Power to call for record.

14. The Commission may, call for any record, report or any other information from any public enterprises if in its opinion, such record, report or other information is necessary for the efficient discharge of its functions, and the public enterprise shall furnish such record, report or other information to the Commission.

Obligations as Secrecy.

15. The Chairman and members and the Secretary and other employees of the Commission shall maintain strictest secrecy regarding the affairs of the Commission and shall not divulge, directly or indirectly any information of a confidential nature to members of the public unless compelled to do so by any judicial or other authority or unless instructed to do so by superior officer in the discharge of his duties.

Chairman, members etc. to be public servants under Act XLV of 1860.

16. The Chairman, members, the Secretary and other employees of Commission appointed under this Act, shall while acting or purporting to act under this Act be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Proceedings not to be invalidated by reasons of vacancies etc. in the commission or its committees.

17. No act or proceeding of the Commission or any of its committees shall be deemed to be invalid by reason or on the ground that the Chairman of the Commission or any member of the Commission or committee, as the case may be, was not entitled to hold or continue in such office, or by reason of such act or proceeding having been done or conducted during the period of any vacancy in office of the Chairman of the Commission or any of the members of the Commission or Committee, as the case may be.

Protection of action taken in good faith.

18. No suit, prosecution or other legal proceedings shall lie against any person for anything, which is in good faith done or intended to be done under this act.

19. (1) The State Government may by, notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power of  
State  
Government  
to make  
Rules.

(2) The power to make rules conferred by this section shall be subject to, the condition of the rules being made after previous publication.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid, or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

20. (1) The Commission may, by notification in the Official Gazette, make regulations with the previous approval of the State Government for carrying out the purposes of this Act.

Power of  
Commission  
to make  
Regulations.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-

(a) the terms and conditions of services of the employees of the Commission under sub-section (3) of section 7.

(b) the manner of selection of persons for appointment to the posts in the public enterprise under sub-section (1) of section 10;

(c) the procedure for the conduct of business of the Commission under sub-section (2) of section 10;

(d) the income and expenditure, budget accounts and audit and annual report of the Commission.



**STATEMENT OF OBJECTS AND REASONS**

At present each public enterprise (*i.e.* Government Company, Corporation etc.) selects, its staff in its own ways. There are so many complaints regarding irregularities and malpractices in the selection of staff. Some times, method of Selection of Staff is also not scientific. With a view, therefore to avoiding complaints regarding irregularities and malpractices in the selection of the staff for the public enterprises it is considered necessary to establish a Gujarat Public Enterprises Service Commission. The following notes on clauses explain the important provisions of the Bill:-

*Clause 3.-* This clause provides for the constitution of the Gujarat Public Enterprises Service Commission, which shall be a body corporate having perpetual succession.

*Clause 4.-* This clause provides for the constitution of the Commission with members not less than three and not more than nine.

*Clause 5.-* This clause provides for terms and conditions of the Office of Chairman and Members.

*Clause 6.-* This clause provides for the removal of chairman or members on certain grounds.

*Clause 8.-* This clause provides for the functions of the Commission.

*Clause 9.-* This clause imposes the duty on the Gujarat Public Enterprises to communicate the vacancies in the Public Enterprises to the Commission.

*Clause 12.-* This clause provides that the vacancies in a public enterprise shall be filled only on the recommendation of the Commission.

*Clause 16.-* This clause provides that the chairman, members and other staffs shall be public servants within the meaning of the Indian Penal Code.

*Clause 18.-* This clause is immunity clause.

*Clause 19.-* This clause provides for the powers of the State Government to make rules for carrying out the purposes of this Act.

Dated 5th January, 2004.  
Gandhinagar.

**PRADIPSINH JADEJA**

M.L.A.

**FINANCIAL MEMORANDUM**

*Sub-clause (4)* of Clause 5 provides for the salary and allowances and other conditions of service of the Chairman and other members of the Commission.

*Sub-clause (2) and (3)* of Clause 7 provide for the salary and other terms and conditions of services of the Secretary and other employees of the Commission.

These provisions if enacted and brought into operation would involve an estimated annual expenditure of about rupees twenty lakhs from the Consolidated Fund of the State out of which about rupees ten lakhs would be of a recurring nature and about rupees ten lakhs would be of a non-recurring nature.

Dated 5th January, 2004.  
Gandhinagar.

**PRADIPSINH JADEJA**

M.L.A.

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

*Clause 1.*-Sub clause (2) of this clause empowers the State Government to appoint the date from which the Act shall come into force.

*Clause 3.*-Sub-caluse (3) of this clause empowers the State Government to prescribe the place at which the Headquarters of the Commission, shall be located.

*Clause 5.*-Sub-clause (4) of this clause empowers the State Government to prescribe the salary of the Chairman and other members of the Commission and the other terms and conditions of their service.

*Clause 6.*-This clause empowers the State Government to prescribe the manner in which the inquiry shall be made.

*Clause 7.*-(i) Sub-clause (2) of this clause empowers the State Government to prescribe the salary of the Secretary and other employees of the Commission.

(ii) Sub-clause (3) of this clause empowers the State Government to prescribe other terms and conditions of the service of Secretary and other employees of the Commission.

*Clause 10.*-(i) Sub-clause (1) of this clause empowers the Commission to provide by regulation the manner of selection of the persons for the appointment.

(ii) Sub-clause (2) of this clause empowers the Commission to provide by regulation the procedure for the conduct of its business.

*Clause 11.*-This clause empowers the Commission to specify the manner by regulations for making its recommendations to the public enterprises.

*Clause 19.*-This clause empowers the State Government to make Rules for carrying out the purposes of this Act.

*Clause 20.*-This Clause empowers the Commission to make regulations with the previous approval of the State Government.

Dated 5th January, 2004.  
Gandhinagar.

**PRADIPSINH JADEJA**

M.L.A.

Gandhinagar  
Dated the 24th February, 2004

D. M. Patel  
Secretary  
Gujarat Legislative Assembly.



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# The Gujarat Government Gazette

## EXTRAORDINARY

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Vol. XLV]

TUESDAY, FEBRUARY 24, 2004/PHALGUNA 5, 1925

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

### PART—V

#### Bills introduced in the Gujarat Legislative Assembly.

The following Bill which was introduced on the 24th February, 2004 by SHRI PRADIPSINH JADEJA, M. L. A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

#### GUJARAT BILL NO. 12 OF 2004.

#### THE GUJARAT PROHIBITION OF ACCEPTING DONATIONS FOR ADMISSION TO EDUCATIONAL INSTITUTIONS BILL, 2004.

#### A BILL

*to provide for prohibition of accepting donations or premium for giving admission to students in any educational institution in the State.*

WHEREAS , it is expenditure to provide for prohibition of accepting donation or premium for giving admission to students in educational institutions in the State.

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Prohibition of Accepting Donations for Admission to Educational Institutions Act, 2004.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force on such date as the State Government may by notification in the *Official Gazette*, appoint.

Short title,  
extent and  
commence-  
ment.



2. (1) No person shall without the permission of the State Government, either by himself or through any other person accept any donation or premium or interest-free loan or any amount in cash or kind by way of consideration for granting admission to students to any class, standard or any course in any educational institution recognized by any local body or the State Government or any University in the State.

(2) Contravention of the provisions contained in sub-section (1) shall constitute a cognizable and non-compoundable offence and the person concerned shall, on conviction, be punishable with imprisonment for not less than 3 years and with fine which shall not be less than the amount of donation or premium and in the case of a gift in kind, the value thereof.

### STATEMENT OF OBJECTS AND REASONS

There is a growing tendency in the Educational Institutions in the State to demand donations or premium in the nature of capitation fee or interest free loan for giving admission to students in such institutions. The Capitation fee that is demanded now-a-days for admission ranges from Rs. 1000 for admission to schools to Rs. 50,000 or more for admission to Engineering and Medical Colleges. As a result of this, poor students whose parents are incapable of paying such exorbitant capitation fee are unable to get admission to the institutions even though they are otherwise eligible on merit to get admission. It is, therefore, considered necessary to prohibit acceptance of such capitation fee and to make such acceptance a cognizable and non-compoundable offence.

The Bill seeks to achieve the above object.

Dated 5<sup>th</sup> January, 2004.  
Gandhinagar.

(PRADIPSINH JADEJA)  
M.L.A.

### MEMORANDUM REGARDING DELEGATED LEGISLATION

The bill involves the following proposal for delegation of legislative power :-

Clause 1 (3) - This clause provides that the Act shall come into force on the such date as State Government may, by notification in the *Official Gazette*, appoint.

The aforesaid delegation is of a normal character.

Dated 5<sup>th</sup> January, 2004.  
Gandhinagar.

(PRADIPSINH JADEJA)  
M.L.A.

Gandhinagar,  
Dated 24<sup>th</sup> February, 2004.

D. M. PATEL,  
Secretary,  
Gujarat Legislative Assembly.



# The Gujarat Government Gazette

## EXTRAORDINARY

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### PART - V

#### Bills introduced in the Gujarat Legislative Assembly.

To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127 A of the Gujarat Legislative Assembly Rules :-

#### THE GUJARAT (SUPPLEMENTARY) APPROPRIATION BILL, 2004. GUJARAT BILL NO. 13 OF 2004 A BILL

*to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2004.*

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat (Supplementary) Appropriation Act, 2004.

Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of seventeen thousand two hundred twenty-six crores, eighty-five lacs, ninety-three thousand rupees towards defraying the several charges which will come in course of payment during the financial year ending on the thirty-first day of March, 2004, in respect of the services and purposes specified in column 2 of the Schedule.

Issue of  
Rs. 1,72,26,85,93,000  
from and out of the  
Consolidated Fund  
of the State of  
Gujarat for the  
financial year 2003-  
2004.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appropriation.

**SCHEDULE**  
(See sections 2 and 3)

No. of Vote/ Appro- priation	Services and Purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		Rs.	Rs.	Rs.
2	Agriculture	Revenue		73,000	73,000
4	Animal Husbandry and Dairy	Revenue	4,76,65,000	6,000	4,76,71,000
	Development	Capital	83,92,000	-	83,92,000
5	Co-operation	Capital	46,22,01,000	-	46,22,01,000
6	Other expenditure pertaining to Agriculture and Co-operation Department	Revenue		58,000	58,000
7	Education Department	Revenue	4,15,000	-	4,15,000
8	Education	Revenue	2,000	-	2,000
12	Energy Projects	Revenue	7,59,19,02,000	-	7,59,19,02,000
		Capital	14,93,82,23,000	-	14,93,82,23,000
14	Finance Department	Revenue	1,000	-	1,000
18	Other expenditure pertaining to Finance Department	Revenue	2,000	-	2,000
19	Repayment of debt pertaining to Finance Department and its Servicing	Revenue	-	84,27,50,000	84,27,50,000
		Capital	-	1,27,38,93,58,000	1,27,38,93,58,000
21	Civil Supplies	Revenue	41,92,31,000	-	41,92,31,000
22	Food	Revenue	1,06,90,000	-	1,06,90,000
		Capital	1,30,76,000	-	1,30,76,000
25	Forests	Revenue	1,000	2,80,000	2,81,000
30	Elections	Revenue	10,32,14,000	-	10,32,14,000
32	General Administration Department	Revenue	1,000	-	1,000
33	Economic Advice & Statistics	Revenue	1,000	-	1,000
34	Other expenditure pertaining to General Administration Department	Revenue	2,000	-	2,000
38	Medical and Public Health	Revenue	9,74,48,000	1,61,000	9,76,09,000
39	Family Welfare	Revenue	70,000	-	70,000
40	Other expenditure pertaining to Health and Family Welfare Department	Revenue	15,000	83,000	98,000
41	Home Department	Revenue	12,70,000	-	12,70,000
42	Police	Revenue	53,51,36,000	-	53,51,36,000
44	Transport	Revenue	19,58,38,000	-	19,58,38,000
		Capital	1,70,00,00,000	-	1,70,00,00,000
49	Industries	Revenue		4,000	4,000
		Capital	3,000	-	3,000
51	Tourism	Revenue	1,000	-	1,000
52	Other expenditure pertaining to Industries and Mines Department	Revenue	-	68,64,000	68,64,000
54	Information and Publicity	Revenue	2,59,25,000	-	2,59,25,000
60	Administration of Justice	Revenue	4,81,32,000	1,32,76,000	6,14,08,000
61	Other expenditure pertaining to Legal Department	Revenue	1,38,62,000	-	1,38,62,000
65	Narmada Development Scheme	Capital	13,15,04,78,000	-	13,15,04,78,000
66	Irrigation and Soil Conservation	Revenue	1,49,89,000	8,67,000	1,58,56,000
		Capital		2,25,23,000	2,25,23,000
67	Water Supply	Revenue	20,00,00,000	-	20,00,00,000
		Capital	7,30,00,000	-	7,30,00,000
68	Other expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue		4,02,49,000	4,02,49,000
69	Panchayats, Rural Housing and Rural Development Department	Revenue	15,00,000	-	15,00,000



**SCHEDULE**  
(See sections 2 and 3)

No. of Vote/ Appropriation	Services and Purposes	Sums not exceeding			Total
		Voted	Charged on the Consolidated Fund		
1	2		3		
			5,03,000		5,03,000
70	Community Development	Revenue			
71	Rural Housing and Rural Development	Revenue	80,68,00,000		80,68,00,000
72	Compensation and Assignments	Revenue	45,83,000	-	45,83,000
73	Other expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	17,15,69,000	-	17,15,69,000
74	Fisheries	Revenue	2,000	-	2,000
76	Revenue Department	Revenue	12,51,000	-	12,51,000
77	Tax Collection Charges (Revenue Department)	Revenue	3,27,48,000	-	3,27,48,000
78	District Administration	Revenue	31,62,48,000	-	31,62,48,000
80	Dangs District	Revenue	1,80,42,000	-	1,80,42,000
81	Compensation and Assignments	Revenue	8,28,20,000	-	8,28,20,000
82	Other expenditure pertaining to Revenue Department	Revenue	5,72,25,000	-	5,72,25,000
84	Non-Residential Buildings	Revenue		6,80,000	6,80,000
		Capital	20,29,000	-	20,29,000
85	Residential Buildings	Revenue		30,000	30,000
		Capital		55,000	55,000
86	Roads and Bridges	Revenue	12,00,00,000	50,99,000	12,50,99,000
		Capital		4,15,14,000	4,15,14,000
87	Gujarat Capital Construction Scheme	Capital	33,07,000	30,11,000	63,18,000
88	Other expenditure pertaining to Roads and Buildings Department	Revenue	73,40,000	8,91,27,000	9,64,67,000
90	Other expenditure pertaining to Science and Technology Department	Revenue	30,00,000	-	30,00,000
92	Social Security and Welfare	Revenue	10,14,49,000		10,14,49,000
93	Welfare of Scheduled Tribes	Revenue	15,21,90,000	-	15,21,90,000
95	Special Component Plan for Scheduled Castes	Revenue	5,21,28,000	-	5,21,28,000
96	Tribal Area Sub-Plan	Revenue	50,80,32,000	5,48,20,000	56,28,52,000
		Capital	30,00,000	2,05,24,000	2,35,24,000
98	Youth Services and Cultural Activities	Revenue	8,68,04,000	-	8,68,04,000
101	Urban Housing	Revenue	34,55,000		34,55,000
		Capital	71,85,18,000		71,85,18,000
102	Urban Development	Revenue	51,06,10,000	-	51,06,10,000
		Capital	13,02,83,000	-	13,02,83,000
106	Other expenditure pertaining to Women and Child Development Department	Revenue	13,05,59,000		13,05,59,000
		Capital	6,00,00,000	-	6,00,00,000
<b>Total:</b>		<b>Revenue</b>	<b>12,47,41,68,000</b>	<b>1,05,49,30,000</b>	<b>13,52,90,98,000</b>
		<b>Capital</b>	<b>31,26,25,10,000</b>	<b>1,27,47,69,85,000</b>	<b>1,58,73,94,95,000</b>
<b>Grand Total:</b>			<b>43,73,66,78,000</b>	<b>1,28,53,19,15,000</b>	<b>1,72,26,85,93,000</b>

**STATEMENT OF OBJECTS AND REASONS**

This Bill is introduced in pursuance of article 204 of the Constitution of India read with article 205 thereof, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys required to meet the supplementary expenditure on certain services and purposes in relation to the financial year ending on the thirty-first day of March, 2004.

The amounts are shown below :-

Rs.

(a)	Revenue Expenditure	13,52,90,98,000
(b)	Capital Expenditure	1,58,73,94,95,000
Total :-		<hr/> 1,72,26,85,93,000 <hr/>

Gandhinagar,  
Dated the 25<sup>th</sup> February, 2004.

**VAJUBHAI VALA.**

By order and in the name of the Governor of Gujarat,

Gandhinagar,  
Dated the 25<sup>th</sup> February, 2004.

**S.S. PARMAR,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

Government Central Press, Gandhinagar.



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# The Gujarat Government Gazette

## EXTRAORDINARY

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### PART - V

#### Bills introduced in the Gujarat Legislative Assembly.

To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127 A of the Gujarat Legislative Assembly Rules :-

#### THE GUJARAT APPROPRIATION (EXCESS EXPENDITURE) BILL, 2004.

GUJARAT BILL NO. 14 OF 2004.

#### A BILL

*to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 1992.*

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Appropriation (Excess Expenditure) Act, 2004.

Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of three hundred eighty-seven crores, eighty-nine lakhs, ten thousand, two hundred ninety-four rupees towards defraying the several charges which have come in course of payment during the financial year ending on the thirty-first day of March, 1992, in respect of the services and purposes specified in column 2 of the Schedule.

Issue of  
Rs. 3,87,89,10,294  
from and out of the  
Consolidated Fund  
of the State of  
Gujarat for the  
financial year  
1991-92.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ending on the thirty-first day of March, 1992.

Appropriation.



**SCHEDULE**  
(See sections 2 and 3)

No. of Excess Demand/ Appropriation	Services and Purposes		Sums not exceeding		
			Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total
1	2		3		
1	Agriculture, Co-operation and Rural Development	Revenue	---	18,85,934	18,85,934
4	Animal Husbandry and Dairy Development	Revenue	---	50,75,507	50,75,507
		Capital	---	17,85,000	17,85,000
6	Co-operation	Capital	---	1,45,89,363	1,45,89,363
8	Education Department	Revenue	---	10,15,516	10,15,516
9	Education	Revenue	---	15,55,53,432	15,55,53,432
18	Pension and other retirement benefits	Revenue	1,00,637	6,11,27,192	6,12,27,829
20	Repayment of debt pertaining to Finance Department and its servicing	Capital	1,03,74,68,921	---	1,03,74,68,921
23	Food	Capital	---	1,23,648	1,23,648
26	Forests	Revenue	61,034	1,94,10,421	1,94,71,455
30	Council of Ministers	Revenue	---	3,46,077	3,46,077
39	Medical and Public Health	Revenue	---	7,05,00,298	7,05,00,298
41	Water Supply	Revenue	---	8,20,540	8,20,540
		Capital	---	3,16,46,000	3,16,46,000
43	Home Department	Revenue	---	14,25,738	14,25,738
44	Police	Revenue	6,85,501	6,16,86,343	6,23,71,844
45	Jails	Revenue	---	64,94,206	64,94,206
46	Transport	Capital	---	10,00,00,000	10,00,00,000
47	Other expenditure pertaining to Home Department	Revenue	---	3,53,91,778	3,53,91,778
		Capital	---	69,40,035	69,40,035
50	Industries	Capital	---	82,03,00,002	82,03,00,002
64	Narmada Development Scheme	Revenue	---	52,48,000	52,48,000
65	Irrigation and Soil Conservation	Revenue	---	15,26,93,430	15,26,93,430
		Capital	---	15,43,52,207	15,43,52,207
66	Other expenditure pertaining to Narmada and Water Resources Department	Revenue	---	66,965	66,965

No. of Excess Demand/ Appro- priation	Services and Purposes		Sums not exceeding		
			Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total
1	2		3		
67	Panchayats and Rural Housing Department	Revenue	---	1,56,405	1,56,405
68	Community Development	Revenue	---	60,075	60,075
69	Rural Housing	Revenue	4,60,722	28,559	4,89,281
70	Compensation and Assignments	Revenue	---	27,05,211	27,05,211
71	Other expenditure pertaining to Panchayats and Rural Housing Department	Revenue	---	28,58,689	28,58,689
74	District Administration	Revenue	---	49,89,960	49,89,960
76	Dangs District	Revenue	---	1,52,35,125	1,52,35,125
77	Compensation and Assignments	Revenue	2,73,344	---	2,73,344
80	Non-Residential Buildings	Revenue	---	5,90,32,492	5,90,32,492
81	Residential Buildings	Capital	---	3,46,10,314	3,46,10,314
82	Roads and Bridges	Revenue	---	68,08,85,812	68,08,85,812
		Capital	---	26,17,04,199	26,17,04,199
84	Gujarat Capital Construction Scheme	Capital	---	4,76,99,301	4,76,99,301
85	Other expenditure pertaining to Roads and Buildings Department	Revenue	---	13,14,627	13,14,627
87	State Excise	Revenue	---	3,76,788	3,76,788
88	Social Security and Welfare	Revenue	---	1,26,92,126	1,26,92,126
89	Welfare of Scheduled Tribes	Capital	---	43,28,847	43,28,847
90	Other expenditure pertaining to Social Welfare and Tribal Development Department	Capital	---	5,68,957	5,68,957
91	Special Component Plan for Scheduled Castes	Revenue	---	14,32,158	14,32,158
92	Tribal Area Sub-Plan	Revenue	1,60,285	---	1,60,285
93	Urban Development and Urban Housing	Revenue	---	2,81,269	2,81,269
94	Urban Housing	Revenue	---	73,044	73,044
98	Youth Services and Cultural Activities	Revenue	---	1,88,260	1,88,260
	<b>Total:</b>	Revenue	17,41,523	1,36,10,51,977	1,36,27,93,500
		Capital	1,03,74,68,921	1,47,86,47,873	2,51,61,16,794
	<b>Grand Total:</b>		1,03,92,10,444	2,83,96,99,850	3,87,89,10,294

## STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 205 of the Constitution of India read with article 204 thereof, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys required to meet the excess expenditure incurred on certain services and purposes during the financial year ending on the thirty – first day of March, 1992.

The amounts are shown below :

Rs.

(a) Revenue Account ... ..	1,36,27,93,500
(b) Capital Account ... ..	2,51,61,16,794
Total :	3,87,89,10,294

Dated the 25th February, 2004.

VAJUBHAI VALA.

By order and in the name of the Governor of Gujarat,

S.S. PARMAR,

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

Gandhinagar,

Dated the 25<sup>th</sup> February, 2004.

Government Central Press, Gandhinagar.





समयेन जयते

# The Gujarat Government Gazette EXTRAORDINARY

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Vol. XLVI

WEDNESDAY,

FEBRUARY 25, 2004/PHALGUNA 6, 1925

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## PART - V

### Bills introduced in the Gujarat Legislative Assembly.

To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127 A of the Gujarat Legislative Assembly Rules :-

### THE GUJARAT APPROPRIATION (EXCESS EXPENDITURE)

SECOND BILL, 2004.

GUJARAT BILL NO. 15 OF 2004.

A BILL

*to authorise payment and appropriation of certain further sums from  
and out of the Consolidated Fund of the State of Gujarat for the services  
of the financial year ending on the thirty-first day of March, 1993.*

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Appropriation (Excess Expenditure) (Second) Act, 2004.

Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of four hundred twenty-seven crores, fourteen lakhs, forty-two thousand, seventy-five rupees towards defraying the several charges which have come in course of payment during the financial year ending on the thirty-first day of March, 1993, in respect of the services and purposes specified in column 2 of the Schedule.

Issue of  
Rs. 4,27,14,42,075  
from and out of the  
Consolidated Fund of  
the State of Gujarat  
for the financial year  
1992-93.

3. The sums authorised to be paid and applied from and Consolidated Fund of the State of Gujarat by this Act shall be have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ending on the thirty-first day of March, 1993.

# **SCHEDULE** (See sections 2 and 3)

No. of Excess Demand/ Appropriation	Services and Purposes		Sums not exceeding		
			Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total
1	2		3		
4	Animal Husbandry and Dairy Development	Capital	---	4,50,000	4,50,000
5	Fisheries	Capital	---	11,45,895	11,45,895
8	Education Department	Revenue	---	4,97,558	4,97,558
9	Education	Revenue	---	18,16,95,983	18,16,95,983
18	Pension and other retirement benefits	Revenue	---	29,89,70,646	29,89,70,646
19	Other expenditure pertaining to Finance Department	Capital	2,58,616	---	2,58,616
20	Repayment of debt pertaining to Finance Department and its servicing	Capital	2,03,51,72,071	---	2,03,51,72,071
23	Food	Revenue	---	10,10,061	10,10,061
24	Other expenditure pertaining to Food and Civil Supplies Department	Capital	---	2,23,056	2,23,056
31	Elections	Revenue	---	1,78,796	1,78,796
32	Public Service Commission	Revenue	61,192	1,45,855	2,07,047
38	Health and Family Welfare Department	Revenue	---	1,61,604	1,61,604
42	Other expenditure pertaining to Health and Family Welfare Department	Capital	---	22,655	22,655
43	Home Department	Revenue	---	17,11,110	17,11,110
44	Police	Revenue	---	10,24,58,597	10,24,58,597
45	Jails	Revenue	---	84,50,797	84,50,797
46	Transport	Revenue	---	42,82,24,490	42,82,24,490
47	Other expenditure pertaining to Home Department	Revenue	---	86,07,434	86,07,434
49	Stationery and Printing	Revenue	---	1,54,06,752	1,54,06,752
50	Industries	Revenue	---	8,00,02,681	8,00,02,681
52	Other expenditure pertaining to Industries and Mines Department	Capital	---	1,96,258	1,96,258
57	Labour and Employment Department	Revenue	---	1,39,678	1,39,678
61	Administration of Justice	Revenue	80,453	---	80,453
65	Irrigation and Soil Conservation	Revenue	---	7,24,70,212	7,24,70,212

No. of Excess Demand/ Appropriation	Services and Purposes		Sums not exceeding		
			Charged on the Consolidated Fund	Voted by the Legislative Assembly	Total
1	2		3		
66	Other expenditure pertaining to Narmada and Water Resources Department	Revenue	---	89,870	89,870
71	Other expenditure pertaining to Panchayats and Rural Housing Department	Revenue	---	1,20,26,387	1,20,26,387
		Capital	---	94,625	94,625
72	Revenue Department	Revenue	---	3,74,840	3,74,840
74	District Administration	Revenue	---	28,25,399	28,25,399
76	Dangs District	Revenue	---	46,08,470	46,08,470
80	Non-Residential Buildings	Revenue	---	10,02,90,236	10,02,90,236
81	Residential Buildings	Capital	---	6,29,61,968	6,29,61,968
82	Roads and Bridges	Revenue	---	46,17,48,595	46,17,48,595
		Capital	---	27,46,01,496	27,46,01,496
84	Gujarat Capital Construction Scheme	Revenue	---	34,92,999	34,92,999
		Capital	---	1,34,16,134	1,34,16,134
85	Other expenditure pertaining to Roads and Buildings Department	Revenue	---	51,74,514	51,74,514
86	Social Welfare and Tribal Development Department	Revenue	---	1,02,600	1,02,600
87	State Excise	Revenue	---	5,75,220	5,75,220
88	Social Security and Welfare	Revenue	---	67,96,570	67,96,570
90	Other expenditure pertaining to Social Welfare and Tribal Development Department	Capital	---	97,655	97,655
92	Tribal Area Sub-Plan	Revenue	---	8,43,00,975	8,43,00,975
93	Urban Development and Urban Housing Department	Revenue	---	1,21,072	1,21,072
	Total:	Revenue	1,41,645	1,88,26,60,001	1,88,28,01,646
		Capital	2,03,54,30,687	35,32,09,742	2,38,86,40,429
	Grand Total :		2,03,55,72,332	2,23,58,69,743	4,27,14,42,075



## STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 205 of the Constitution of India read with article 204 thereof, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys required to meet the excess expenditure incurred on certain services and purposes during the financial year ending on the thirty - first day of March, 1993.

The amounts are shown below :

Rs.

(a) Revenue Account ... ..	1,88,28,01,646
(b) Capital Account ... ..	2,38,86,40,429
Total :	4,27,14,42,075

Dated the 25th February, 2004.

VAJUBHAI VALA.

By order and in the name of the Governor of Gujarat,

**S.S. PARMAR,**

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

Gandhinagar,  
Dated the 25<sup>th</sup> February, 2004.



# The Gujarat Government Gazette

## EXTRAORDINARY

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FRIDAY, MAY 7, 2004/VAISAKHA 17, 1926

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

### PART - V

**Bills introduced in the Gujarat Legislative Assembly.**

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

**THE GUJARAT PUBLIC AUTHORITIES SEALS BILL, 2004.**

**GUJARAT BILL NO. 16 OF 2004.**

### A BILL

*to enable the Government to prescribe the Official Seals of Sessions Judge, Magistrate and other public authorities.*

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Public Authorities Seals Act, 2004.

Short title, extent and commencement.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

**Power of  
State  
Government  
to prescribe  
seals of  
public  
authorities.**

2. The State Government may, by notification in the *Official Gazette*, direct what official seals each of the following public authorities shall have and use, namely:-

- (a) Sessions Judge, Additional Sessions Judge and Assistant Sessions Judge;
- (b) Magistrate;
- (c) any other judicial officer or public authority whose official seal is not prescribed by law and no other authority is legally competent to prescribe.

**Repeal and  
savings.**

3. The Bombay Public Authorities Seals Act, 1883, in its application to the State of Gujarat, is hereby repealed:

**Bom.V of  
1883.**

Provided that such repeal shall not affect previous operation of the law so repealed and anything done or any action taken (including any appointment, notification, rule, order, form, application, reference, notice, report or certificate made or issued) under the law shall, in so far as it is not inconsistent with the provisions of this Act be deemed to have been done or taken under the corresponding provision of this Act and shall continue in force accordingly, unless and until superseded by anything done or any action taken under this Act.



**STATEMENT OF OBJECTS AND REASONS**

The Bombay Public Authorities Seals Act, 1883 was applicable in the State of Bombay prior to 1<sup>st</sup> May 1960. The said Act was adopted by and extended to the State of Gujarat on its formation on the 1<sup>st</sup> May 1960. With a view to carrying out the intention of the Government to have its own law for the State of Gujarat, it is considered necessary to enact the law relating to Official Seals of Sessions Judge, Magistrate and other public authorities by replacing the said Bombay Act.

This Bill seeks to achieve the aforesaid object.

**ASHOK BHATT**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves delegation of Legislative powers in the following respect :-

*Clause 1.-* Sub-clause (3) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

*Clause 2.-* This clause empowers the State Government to direct, by notification in the *Official Gazette*, what official seals the public authorities shall have and use.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 6<sup>th</sup> May, 2004.

**ASHOK BHATT.**

By order and in the name of the Governor of Gujarat,

**S. S. PARMAR,**

Gandhinagar, Secretary to the Government of Gujarat,  
Dated the 7<sup>th</sup> May, 2004. Legislative and Parliamentary Affairs Department.



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# The Gujarat Government Gazette

## EXTRAORDINARY

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### PART - V

#### Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

#### THE GUJARAT TAXATION LAWS (AMENDMENT) BILL, 2004.

#### GUJARAT BILL NO. 17 OF 2004.

#### A BILL

*further to amend certain taxation laws.*

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Taxation Laws (Amendment) Act, 2004. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
2. The enactments specified in column 2 of the Schedule shall be amended to the extent and in the manner specified against it in column 3 of the said Schedule. Amendment of certain taxation laws.



**SCHEDULE**  
( See section 2 )

Sr. No.	Name of enactments.	Extent of amendments
1	2	3
1.	The Gujarat Sales Tax Act, 1969 (Guj. 1 of 1970).	<p>1. In section 27, -</p> <p>(1) in sub-section (2), before clause (a), the following clause shall be inserted, namely :-</p> <p>“(aa) Joint Commissioners,”;</p> <p>(2) in sub-section (5), for the words “Deputy Commissioner” wherever they occur, the words “Joint Commissioner” and for the words “Deputy Commissioners”, the words “Joint Commissioners” shall be substituted;</p> <p>(3) in sub-section (6), for the words “Assistant Commissioners”, the words “Deputy Commissioners, Assistant Commissioners” shall be substituted;</p> <p>(4) in sub-section (7), for the words “Deputy Commissioners”, the words “Joint Commissioners” shall be substituted.</p> <p>2. In section 47A, in sub-section (1), -</p> <p>(1) in clause (i), for the words “Deputy Commissioners”, the words “Joint Commissioners” shall be substituted;</p> <p>(2) in clause (ii), for the words “Assistant Commissioners”, the words “Deputy Commissioners” shall be substituted;</p> <p>(3) in clause (iii), for the words “Sales Tax Officers”, the words “Assistant Commissioners of Sales Tax and the Sales Tax Officers” shall be substituted;</p> <p>(4) in clause (iiia), for the words “Sales Tax Officers”, the words “Assistant Commissioners of Sales Tax and the Sales Tax Officers” shall be substituted.</p> <p>3. In section 65, -</p> <p>(1) for sub-sections (1) and (2), the following shall be substituted, namely :-</p> <p>“(1) An appeal from every original order, not being an order mentioned in section 66, passed under this Act or rules made thereunder, shall lie,-</p> <p>(a) if the order is made by a Sales Tax Officer, an Assistant Commissioner of Sales Tax or any other officer</p>

subordinate thereto, to the Deputy Commissioner;

- (b) if the order is made by a Deputy Commissioner, to the Joint Commissioner;
- (c) if the order is made by a Joint Commissioner, Additional Commissioner or Commissioner, to the Tribunal.

(2) In the case of an order passed in appeal by a Deputy Commissioner or, as the case may be, by a Joint Commissioner, a second appeal shall lie to the Tribunal."

(2) in sub-section (5), for the words "the Assistant Commissioner or, as the case may be, by the Deputy Commissioner" where they occur at two places, the words "the Deputy Commissioner or, as the case may be, by the Joint Commissioner" shall be substituted.

2. The Gujarat State Tax on Professions, Trades, Callings and Employments Act, 1976  
(President's Act No. 11 of 1976).

1. In section 11, in sub-section (2), -

(1) in clause (i), for the words "Deputy Commissioners", the words "Joint Commissioners" shall be substituted;

(2) in clause (ii), for the words "the Assistant Commissioners", the words "the Deputy Commissioners" shall be substituted;

(3) in clause (iii), for the words "the Profession Tax Officers", the words "the Assistant Commissioners of Profession Tax and the Profession Tax Officers" shall be substituted;

(4) in clause (iv), for the words "the Profession Tax Officers", the words "the Assistant Commissioners of Profession Tax and the Profession Tax Officers" shall be substituted.

2. In section 12, in sub-section (1), in clause (a), in sub-clause (iii), for the words "Deputy Commissioners", the words "Joint Commissioners of Profession Tax, Deputy Commissioners" shall be substituted.

3. In section 13, in sub-section (1), -

(i) in clause (a), for the words "the Assistant Commissioner", the words "the Deputy Commissioner" shall be substituted;

(ii) in clause (b), for the words "the Deputy Commissioner", the words "the Joint Commissioner" and for the words "Assistant Commissioner", the words "Deputy Commissioner" shall be substituted;

(iii) in clause (c), for the words "Deputy Commissioner", the words "Joint Commissioner" shall be substituted.

4. In section 14, -

(1) in sub-section (1), -

(i) in clause (a), for the words "the Deputy Commissioner", the words "the Joint Commissioner" and for the words "Assistant Commissioner", the words "Deputy Commissioner" shall be substituted;

(ii) in clause (b), for the words "Deputy Commissioner", the words "Joint Commissioner" shall be substituted;

(2) in sub-section (3), for the words "Deputy Commissioner", the words "Joint Commissioner" shall be substituted.

5. In section 26, in sub-section (1), in clause (a), for the words "Deputy Commissioners", the words "Joint Commissioners" shall be substituted.

3. The Gujarat Purchase Tax on Sugarcane Act, 1989 (Guj. 11 of 1989).

1. In section 8, -

(1) in sub-section (2), before clause (a), the following clause shall be inserted, namely :-

"(aa) Joint Commissioners of Purchase Tax (Sugarcane);"

(2) in sub-section (5), for the word "Deputy", the word "Joint" shall be substituted;

(3) in sub-section (6), for the words "Assistant Commissioners", the words "Deputy Commissioners, Assistant Commissioners" shall be substituted;

(4) in sub-section (7), for the words "Deputy Commissioners", the words "Joint Commissioners" shall be substituted.

2. In section 21, -

(1) for sub-section (1), the following shall be substituted, namely :-

"(1) An appeal from every original order passed under this Act or the rules made thereunder, shall lie -

(a) if the order is made by the Purchase Tax Officer, Assistant Commissioner or any other officer subordinate thereto, to the Deputy Commissioner;



(b) if the order is made by a Deputy Commissioner, to the Commissioner;

(c) if the order is made by a Joint Commissioner, Additional Commissioner or Commissioner, to the Tribunal.;

(2) in sub-section (2), for the words "Assistant Commissioner", the words "Deputy Commissioner" shall be substituted;

(3) in sub-section (5), for the words "Assistant Commissioner" occurring at two places, the words "Deputy Commissioner" shall be substituted.

4. The Gujarat Tax on  
Luxury Commodities  
Act, 1995  
(Guj. 14 of 1995).

1. In section 6, in sub-section (2), in clause (b), for the words "Deputy Commissioners", the words "Joint Commissioners of Luxury Commodities Tax, Deputy Commissioners" shall be substituted.

2. In section 16, -

(1) in sub-section (1), -

(i) in clause (a), for the words "the Assistant Commissioner", the words "the Deputy Commissioner" and for the words "Luxury Commodities Tax Officer", the words "the Assistant Commissioner or Luxury Commodities Tax Officer" shall be substituted;

(ii) in clause (b), for the words "an Assistant Commissioner", the words "the Deputy Commissioner" shall be substituted;

(iii) in clause (c), for the words "Deputy Commissioner", the words "Joint Commissioner" shall be substituted;

(2) in sub-section (2), for the words "an Assistant Commissioner", the words "the Deputy Commissioner or the Joint Commissioner" shall be substituted.

**STATEMENT OF OBJECTS AND REASONS**

The existing provision of section 27 of the Gujarat Sales Tax Act, 1969 *inter-alia* provides that to assist the Commissioner in execution of his functions under the Act, the State Government may appoint Deputy Commissioners, Assistant Commissioners, Sales Tax Officers and other officers and persons and to give them such designation as it may think necessary. In order to make the working of the Sales Tax Department more efficient, it is considered necessary to redesignate the status of the existing officers from Sales Tax Officer to Assistant Commissioner, Assistant Commissioner to Deputy Commissioner and Deputy Commissioner to Joint Commissioner. It is, therefore, proposed to amend sub-section (2) of section 27 so as to enable the State Government to redesignate the status of the existing officers of the Sales Tax Department. Consequential amendments have been proposed in sections 47A and 65 of the said Act.

The Gujarat State Tax on Professions, Trades, Callings and Employments Act, 1976, the Gujarat Purchase Tax on Sugarcane Act, 1989 and the Gujarat Tax on Luxury Commodities Act, 1995 are being administered by the Sales Tax Department. Therefore, the identical amendments have also been proposed in these three Acts keeping in view the amendments proposed in the Gujarat Sales Tax Act, 1969.

This Bill seeks to amend the said four Acts to achieve the aforesaid objects.

**VAJUBHAI VALA**

**FINANCIAL MEMORANDUM**

Clause 2 of the Bill if enacted and brought into force would not involve any expenditure from the Consolidated Fund of the State as the existing officers working in the Sales Tax Department would continue to draw the salaries in their existing scales after re-designation of the existing posts.

**VAJUBHAI VALA**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves delegation of legislative powers in the following respect :-

*Clause 1.-* Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Dated the 7th May, 2004.

**VAJUBHAI VALA.**

By order and in the name of the Government of Gujarat,

**S. S. PARMAR,**

Gandhinagar,

Secretary to the Government of Gujarat,

Dated the 13May, 2004.

Legislative and Parliamentary Affairs Department.

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Government Central Press, Gandhinagar



Extra No. 18



REGISTERED No. G/GNR/2

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## EXTRAORDINARY

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### PART V

#### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

#### THE GUJARAT WILD ANIMALS AND WILD BIRDS PROTECTION (REPEAL) BILL, 2004.

GUJARAT BILL NO. 18 OF 2004.

#### A BILL

*to repeal the Gujarat Wild Animals and Wild Birds Protection Act, 1963.*

It is hereby enacted in the Fifty-fifth Year of the Republic of India,  
as follows:-

1. This Act may be called the Gujarat Wild Animals and Wild Birds Protection (Repeal) Act, 2004. Short title.

Repeal and  
savings.

2. (1) The Gujarat Wild Animals and Wild Birds Protection Act, 1963 is hereby repealed.

Guj. XXXII of  
1963.

- (2) Notwithstanding such repeal, the provisions of section 7 of the Bombay General Clauses Act, 1904 shall apply in relation to the repeal of the Gujarat Wild Animals and Wild Birds Protection Act, 1963 as if the Act had been an enactment within the meaning of the said section.7.

Bom.1 of  
1904.

Guj. XXXII  
of 1963.

### STATEMENT OF OBJECTS AND REASONS

The Gujarat Wild Animals and Wild Birds Protection Act, 1963 was enacted by the State Legislature to provide adequate provisions for protecting the wild animals and wild birds in the State of Gujarat. The Parliament had thereafter enacted the Act namely, the Wild Life (Protection) Act, 1972 providing in section 66 that as from the commencement of the said Act, every other Act relating to any matter contained in the said Act and in force in a State shall, to the extent to which the said Act or any provision contained therein corresponds, or is repugnant, to the said Act or any provision contained in the said Act stands repealed. While reviewing the Gujarat Wild Animals and Wild Birds Protection Act, 1963, the Gujarat State Law Commission has expressed its view in its Report No.8 pointing out as provided in section 66 of the Wild Life (Protection) Act, 1972 (Central Act), the Gujarat Wild Animals and Wild Birds Protection Act, 1963 stands repealed.

Thus on coming into force the Central Act, namely the Wild Life (Protection) Act, 1972, there is no need of continuance of the State Act on the same subject matter. It is, therefore, considered necessary to repeal the Gujarat Wild Animals and Wild Birds Protection Act, 1963.

This Bill seeks to repeal the said State Act of 1963 to achieve the aforesaid object.

Dated the 15th May, 2004.

**MANGUBHAI PATEL.**

By order and in the name of the Governor of Gujarat,

Gandhinagar,  
Dated the 15<sup>th</sup> May, 2004.

**S.S. PARMAR,**  
Secretary to the Government of Gujarat  
Legislative and Parliamentary  
Affairs Department.





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# The Gujarat Government Gazette

## EXTRAORDINARY

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### PART—V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127-A of the Gujarat Legislative Assembly Rules :-

**THE BOMBAY DEVADASIS PROTECTION (GUJARAT REPEAL) BILL, 2004.**

**GUJARAT BILL NO. 19 OF 2004.**

### A BILL

*to repeal the Bombay Devadasis Protection Act, 1934  
in its application to the State of Gujarat.*

It is hereby enacted in the Fifty-fifth Year of the Republic of India  
as follows :-

1. This Act may be called the Bombay Devadasis Protection (Gujarat Short title, Repeal) Act, 2004.

Bom. X of 1934.

2. The Bombay Devadasis Protection Act, 1934 in its application to the Repeal. State of Gujarat is hereby repealed.

**STATEMENT OF OBJECTS AND REASONS**

The Gujarat State Law Commission has, in its various reports, stressed the need to repeal obsolete laws which are still in existence in the State of Gujarat. The Bombay Devadasis Protection Act, 1934 in its application to the State of Gujarat is in force inspite of the fact that no tradition or custom of Devadasis is prevailing in the State of Gujarat. In the circumstances, it is felt that this Act is not required to be administered and, therefore, it is required to be removed from the Statute Book.

This Bill seeks to achieve the aforesaid object.

Dated the 15<sup>th</sup> May, 2004.

**ANANDIBEN PATEL.**

By order and in the name of the Governor of Gujarat,

Gandhinagar,  
Dated the 15<sup>th</sup> May, 2004.

**S. S. PARMAR,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary  
Affairs Department.

-----  
Government Central Press, Gandhinagar.



THE GOVERNMENT OF GUJARAT

EXTRAORDINARY

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may be filed as a Separate Compilation.

PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

**THE BOMBAY NATIONAL PARKS (GUJARAT REPEAL) BILL, 2004.**

**GUJARAT BILL NO. 20 OF 2004.**

*A BILL*

*to repeal the Bombay National Parks Act, 1950  
in its application to the State of Gujarat.*

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows:-

1. This Act may be called the Bombay National Parks (Gujarat Repeal) Act, 2004. Short title.
2. The Bombay National Parks Act, 1950 in its application to the State of Gujarat is hereby repealed. Repeal.



**STATEMENT OF OBJECTS AND REASONS**

The Bombay National Parks Act, 1950 was enacted to make adequate provisions for establishment, preservation and maintenance of National Parks in the State. The Parliament had thereafter enacted the Act namely, the Wild Life (Protection) Act, 1972 providing in section 66 that as from the commencement of the said Act, every other Act relating to any matter contained in the said Act and in force in a State shall, to the extent to which the said Act or any provision contained therein corresponds, or is repugnant to the said Act or any provision contained in the said Act, stands repealed.

Thus on coming into force the Wild Life (Protection) Act, 1972, there is no need of continuance of the Bombay National Parks Act, 1950 in the Statute book. It is, therefore, considered necessary to repeal the Bombay National Parks Act, 1950 in its application to the State of Gujarat.

This Bill seeks to repeal the said State Act of 1950 to achieve the aforesaid object.

Dated the 21st May, 2004.

**MANGUBHAI PATEL**

By order and in the name of the Governor of Gujarat,

**S.S. PARMAR,**

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

Gandhinagar,  
Dated the 21<sup>st</sup> May, 2004.

**GOVERNMENT CENTRAL PRESS, GANDHINAGAR**



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# The Gujarat Government Gazette EXTRAORDINARY

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## PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the  
Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under  
the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT REPEALING BILL, 2004.

GUJARAT BILL NO. 21 OF 2004.

#### A BILL

*to repeal certain Acts.*

WHEREAS it is expedient to repeal certain obsolete Acts, it is hereby  
enacted in the Fifty-fifth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Repealing Act, 2004.

Short title.

**Definition.**

2. In this Act, unless the context otherwise requires, "Land Tenure Abolition Act" means an Act specified in Part I of the Schedule.

**Repeal of certain Acts.**

3. The Acts specified in the Schedule are hereby repealed.

**Savings**

4. (1) Notwithstanding the repeal of Land Tenure Abolition Act (hereinafter in this sub-section and sub-section (2) referred to as "the said Act") by section 3,-

(a) land made liable to payment of land revenue in accordance with the Bombay Land Revenue Code, 1879 and the rules made thereunder by the said Act shall continue to be so liable, and

Bom V  
of 1879.

(b) the liability to pay land revenue levied under the said Code imposed on the holder of land by the said Act shall continue.

(2) The repeal of the said Act by section 3 shall not affect-

(a) any restriction imposed by the said Act on transfer of land; or

(b) the application of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948 or, as the case may be, the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 to any land or the relationship between holder of land or, as the case may be, landlord and his tenant made by the said Act.

Bom LXVII  
of 1948.

Bom. XCIX  
of 1958.

(3) Without prejudice to the provisions contained in sub-sections (1) and (2) and subject thereto, section 7 of the Bombay General Clauses Act, 1904 shall apply in relation to the repeal of the Acts specified in the Schedule as if the Act had been an enactment within the meaning of the said section 7.

Bom. 1 of  
1904.



**SCHEDULE***(See section 3)***Part I**

Year	No.	Short title of the Act
1	2	3
1949	Bom. LXII	The Bombay Taluqdari Tenure Abolition Act, 1949.
1951	Saurashtra XXVI	The Saurashtra Barkhali Abolition Act, 1951.
1953	Bom. XLV	The Bombay Merged Territories (Baroda Mul Giras Tenure Abolition) Act, 1953.

**Part II**

Year	No.	Short title of the Act
1	2	3
1901	Bom. VI	The Bombay Land Revenue Code (Amendment) Act, 1901.
1913	Bom. IV	The Bombay Land Revenue Code (Amendment) Act, 1913.
1947	Bom. XLV	The Bombay Land Revenue Code (Amendment) Act, 1947.
1948	Bom. XXXV	The Bombay Land Revenue Code (Amendment) Act, 1948.
1950	Bom. VI	The Bombay Land Revenue Code (Amendment) Act, 1950.

1950	Bom. XXXIII	The Bombay Land Revenue Code (Amendment) Act, 1950.
1950	Bom. LX	The Bombay Land Revenue Code (Amendment) Act, 1950.
1953	Bom. VII	The Bombay Land Revenue Code (Amendment) Act, 1953.
1955	Bom. XIV	The Bombay Land Revenue Code (Amendment) Act, 1955.
1956	Bom. XXVIII	The Bombay Land Revenue Code (Amendment) Act, 1956.
1956	Bom. XLV	The Bombay Land Revenue Code (Amendment) Act, 1956.
1959	Bom. XLI	The Bombay Land Revenue Code (Amendment) Act, 1959.
1960	Bom. III	The Bombay Land Revenue Code (Amendment) Act, 1960.
1965	Guj. 35	The Bombay Land Revenue (Extension to Kutch Area and Amendment) Act, 1965.
1972	Guj. 25	The Bombay Land Revenue and the Gujarat Panchayats and Education Cess (Amendment) Act, 1972.
1976	Guj. 26	The Bombay Land Revenue (Gujarat Amendment) Act, 1976.
1977	Guj. 25	The Bombay Land Revenue (Gujarat Amendment) Act, 1977.
1980	Guj. 3	The Bombay Land Revenue (Gujarat Amendment) Act, 1980.
1980	Guj. 37	The Bombay Land Revenue (Gujarat Second Amendment) Act, 1980.
1981	Guj. 2	The Bombay Land Revenue (Gujarat Amendment and Validation) Act, 1981.
1981	Guj. 24	The Bombay Land Revenue (Gujarat Amendment) Act, 1981.
1982	Guj. 8	The Bombay Land Revenue Code and Land Tenure Abolition Laws (Gujarat Amendment) Act, 1982.

**Part III**

<b>Year</b>	<b>No.</b>	<b>Short title of the Act</b>
<b>1</b>	<b>2</b>	<b>3</b>
1957	Bom. I	The Sir Chinubhai Madhavlal Ranchhodlal Baronetcy (Repealing) Act, 1956.
1957	Bom. IV	The Royal Family (Baroda) Trust Fund (Repealing) Act, 1956.
1957	Bom. XXXVI	The Sir Sassoon Jacob David Baronetcy (Repealing) Act, 1957.
1960	Bom. IX	The Sir Currimbhoy Ebrahim Baronetcy (Repeal and Distribution of Trust Properties) Act, 1959.
1961	Guj. X	The Bhavnagar Mercantile Disputes Settlement Rules (Repealing and Consequential Provisions) Act, 1961.
1961	Guj. XXI	The Dangs (Validation of Civil and Criminal Jurisdiction) Act, 1961.
1964	Guj. 15	The Gujarat Commissioners (Abolition of Office) Act, 1964.

**Part IV**

<b>Year</b>	<b>No.</b>	<b>Short title of the Act</b>
<b>1</b>	<b>2</b>	<b>3</b>
1968	Guj. 4	The Gujarat Agricultural Lands Ceiling (Amendment) Act, 1968.
1969	Guj. 16	The Gujarat Agricultural Lands Ceiling (Amendment) Act, 1969.
1974	Guj. 2	The Gujarat Agricultural Lands Ceiling (Amendment) Act, 1972.
1976	Presi. Act No. 43	The Gujarat Agricultural Lands Ceiling (Amendment) Act, 1976.



**STATEMENT OF OBJECTS AND REASONS**

The Gujarat State Law Commission has, in its various reports, recommended for repeal of certain Acts on the ground that they have become obsolete. The Commission has also recommended to repeal certain Amending Acts making amendments in the Bombay Land Revenue Code, 1879 for the reasons that the amendments are already incorporated in the principal Act. Therefore, all those Acts require to be removed from the Statute Book.

In so far as the various Land Tenure Abolition and Inams Abolition Acts, etc. are concerned, the Commission was of the view that as proceedings regarding payment of compensation for such abolition were completed, the said Acts were no longer required to be kept on Statute Book. In respect of Acts specified in Part III of the Schedule appended to this Bill, the Commission was of the view that they were impliedly repealed by Central Acts or that they were no longer required to be administered in view of the changed circumstances.

In pursuance of the said recommendations of the State Law Commission, it is considered necessary to repeal certain obsolete Acts as well as the amending Acts.

Certain Land Tenure Abolition Acts contained provisions making the lands liable to payment of land revenue on the holder of land, restricting transfer of land and applying the provisions of Bombay Tenancy and Agricultural Lands Act, 1948 or the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 to the land or relationship between a holder of land or landlord and his tenant. It is, therefore, proposed to save the aforesaid liability, restriction and application.

This Bill seeks to achieve the aforesaid objects.

Dated the 25th May, 2004.

**KAUSHIK PATEL.**

By order and in the name of the Governor of Gujarat,

**S. S. PARMAR,**

Secretary to the Government of Gujarat,

Legislative and Parliamentary Affairs  
Department.

Gandhinagar,

Dated the 26<sup>th</sup> May, 2004.

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## PART - V

Bills introduced in the Gujarat Legislative Assembly.

The following Bill which was introduced on the 27th May, 2004 by  
shri Pradipsinh Jadeja M.L.A. is published under rule 127-A of the Gujarat  
Legislative Assembly Rules for general information.

GUJARAT BILL NO. 22 OF 2004.

### THE GUJARAT NON-BIODEGRADABLE GARBAGE (CONTROL) BILL, 2004

#### A BILL

*to prevent throwing or depositing of non-biodegradable garbage in public  
drains, roads and places open to public view in the State of Gujarat and for  
matters connected therewith or incidental thereto.*

It is hereby enacted in the Fifty-fifth year of the Republic of India, as  
follows:—

1. (1) This Act may be called the Gujarat Non-biodegradable Garbage  
(Control) Act, 2004.

Short title,  
extent and  
commence-  
ment.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires :—

Definitions.

(a) "bio-degradable garbage" means the garbage or waste material capable  
of being destroyed by the action of living beings;

(b) "building" means any shop, out-house, hut, house, shed or stable  
whether used for the purpose of human habitation or otherwise and whether of  
masonry, bricks, wood, mud, thatch, metal or any other material whatever, and  
includes a wall and a well;

(c) "house gully" means a passage or strip of land constructed, set apart or utilized for the purpose of serving as or carrying a drain or affording access to the latrine, urinal, cesspool or other receptacle for fifth or other polluted matter, by persons employed in the cleaning thereof or in the removal of such matter therefrom;

(d) "local authority" means a Municipal Corporation, a Municipality, a Cantonment Board, a Housing Board, a Slum Clearance Board, an Urban Development Authority, a Notified Area Committee, a District Panchayat, a Taluka Panchayat or a Gram Panchayat constituted or continued, under any law for the time being in force;

(e) "market" includes any place where persons assemble for sale or purchase of meat, fish, fruits, vegetables, food or any other articles for use or consumption with or without the consent of the owner of such places notwithstanding that there may be no common regulation for the concourse of the buyer and the sellers and whether or not any control is exercised over the business of or the persons frequenting the market by the owner of the place or by any other persons;

(f) "non-biodegradable garbage" means the waste garbage of material which is non-bio-degradable and includes plastic poly thene, nylon and other plastic goods such as P.V.C. propylene and polystyrene which are not capable of being destroyed by an action of living being and are more specifically included in the Schedule to this act;

(g) "occupier" includes any person for the time being paying or liable to payment or any portion of rent of the building in respect of which the word is used, or compensation or premium on account of the occupation of such building and also a rent free tenant, but does not include a lodger, and the words occupy and occupation do not refer to the lodger;

(h) "owner" means the person who receives the rent for the use of the land or building or would be entitled to do so if they were let. it also includes-

(i) an agent or trustee who receives such rent on behalf of the owner;

(ii) a receiver, executor or administrator or a manager appointed by any court of competent jurisdiction to have the charge, of or to exercise the right of the owner;

(iii) an agent or trustee who receives the rent of or is entrusted with or is concerned with any building devoted to religious or charitable purpose; and

(iv) a mortgage in possession;

(i) "place" means any land or building or part of building and includes the garden, ground and out-houses, if any, pertaining to a building or part of a building;

(j) "place open to public view" includes any private place or building, monument, fence or balcony visible to a person being in, or passing along, any public place;

(k) "prescribed" means prescribed by rules made under this Act;

(l) "Public Analyst" means the person appointed or recognised to be the Government Analyst, in relation to any environmental laboratory established or



recognised in the State, under the provisions of the Environment (Protection) Act, 1986;

(m) "Public place" means any place which is open to use and enjoyment of the public whether it is actually used or enjoyed by the public or not and includes a road, street, Market, house-gully or way, whether a throughfare or not, and landing place to which public are granted access or have a right to resort or over which they have a right to pass; and

(n) "State Government" means the Government of the State of Gujarat.

3. (1) No person, by himself or through another shall, knowingly or otherwise throw or cause to be thrown in any drain, ventilation shaft, pipe and fittings, connected with the private or public drainage works any non-biodegradable garbage or any biodegradable garbage in a non-biodegradable bag or container likely to-

**Prohibition to throw garbage in public drains and sewage.**

(i) injure the drainage and sewage system;

(ii) interfere with the free flow of effect the treatment and disposal of drain and sewage contents; and

(iii) be dangerous or cause a nuisance or be prejudicial to public health.

(2) No person shall, knowingly or otherwise, place or permit to be placed, except in accordance with such procedure and after complying with such safeguards as may be prescribed, any bio-degradable or non-biodegradable garbage in any public place or in a place open to public view, unless-

(a) the garbage is placed in garbage receptacle; or

(b) the garbage is deposited in a location designated by a local authority having jurisdiction on an area for the disposal of the garbage.

4. It shall be the duty of the local authority or any officer authorised by it, to-

**Provision for placement of receptacle and places for deposit of non-biodegradable garbage.**

(a) place or provide place in proper and convenient situation public receptacles, depots of places for temporary deposit or collection of Non-biodegradable garbage;

(b) provide separate dustbins for temporary desposit of non-biodegradable garbage other then those kept and maintained for deposit of biodegradable garbage;

(c) provide for the removal of contents of receptacles, deposit and of the accumulation at all places provided or appointed by it under clause (a) of this section; and

(d) arrange for recycling disposal of the non-biodegradable garbage collected under this Act.

5. It shall be the duty of the owners and occupiers of all lands and buildings:-

**Duty of owners and occupiers to collect and deposit non-biodegradable garbage etc.**

(a) to collect or to cause to be collected from their respective land and buildings, the non-biodegradable garbage and to deposit, or cause it to be deposited, in public receptacles, deposite or places provided for temporary deposit or collection of the non-biodegradable garbage by the local authority in the area;

(b) To provide separate receptacles or dustbins, other than those kept and maintained for deposit of biodegradable garbage, of the type and in the manner

prescribed by the local authority of its officers for collection therein of all the non-biodegradable waste from such land and building and to keep such receptacles dustbins in good condition and repair.

**Power of local authority for removal of non-biodegradable garbage.**

6. The local authority may, by notice in writing, require the owner or occupier or part-owner, or person claiming to be the owner or part owner of any land or building, which has become a place or unauthorised stocking or deposit of non-biodegradable garbage and is likely to cause a nuisance remove or cause it to be removed the said garbage so stocked or collected; and if in its opinion, such stocking or collection of non-biodegradable waste is likely to injure the drainage or sewage system or is likely to be dangerous to life and health, it shall forthwith take such steps at the cost of such persons as it may think necessary.

**Studies; research and support programme.**

7. The State Government may:-

(a) undertake studies to determine the composition of biodegradable or non-biodegradable garbage;

(b) establish measures to conduct or support research or programme to encourage source reduction, re-use and recycling of waste;

(c) conduct or support studies to determine the social and economic feasibility of household and other solid waste separation schemes, including studies of the type and amount of recyclable materials in solid wastes.

(d) encourage local authorities in the State of Gujarat to provide readily accessible solid waste collection depots for residents who are not provided with regular garbage pick up;

(e) undertake and encourage local authorities and other persons to implement policies to recycle waste materials, to promote energy conservation and to purchase products made from recyclable materials;

(f) conduct and support research on waste management and recycling including information on recyclables;

(g) conduct or support research on waste management and recycling, for use in educating the public, local authorities, institutions and industry; and

(h) impose requirements on manufacturers, distributors and other person who produce or handle commodities with respect to the type, size, packaging, labelling and composition of packaging that may or must be used and with respect to the disposal of packaging including standards for material degradability and recyclability.

**Penalties.**

8. (1) Whoever is guilty of any act or omission in contravention of any of the provisions of this Act, or of any rules, notification or order made, issued or given under this Act, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to rupees five thousand, or with both.

(2) Whoever having been convicted of any offence under this Act is again convicted of an offence under this Act shall be punishable with double the penalty provided for the latter offence.

(3) Whoever in any manner aids, abets or is accessory to the commission of an offence under this Act shall on conviction be punished with imprisonment prescribed for the offence.



9. (1) If the person committing any offence punishable under this Act is a company, every person, at the time of the commission of the offence, was in charge of and responsible to the company for the conduct of the business or guilty of the offence shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

(2) Notwithstanding anything contained in sub-section (1) Where an offence under this Act has been committed by a Company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any gross negligence on the part of any Director, Manager, Secretary, or other officer of the Company, such Director, Manager, Secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this Section—

(a) "Company" means any body corporate and includes a firm or other association of individuals; and

(b) "Director" in relation to a firm means a partner in the firm.

10. All offences under this Act shall be tried in a Summary way by a Judicial Magistrate of the First Class and the provisions of Section 262 to 265 (both inclusive) of the Code of Criminal Procedure 1973, shall as far as may be, apply to such trials.

Offence to be tried summarily.

11. (1) Any offences punishable under this Act may, before the institution of the prosecution, be compounded by such officer as may be authorised by the State Government in this behalf on payment for credit to the State Government of such sum as such officer may specify.

Compounding of offences.

(2) Where any offence has been compounded under sub-section (1), no proceeding shall be taken against the offender, and the offender if in custody, shall be discharged.

12. The local authority shall carry out such directions as may be issued to it from time, by the State Government for the efficient administration of this Act.

Direction by State Government.

13. (1) Where it is expedient to do so, the State Government may, in the public interest and in consultation with the public Analyst, by notification in the official Gazette, add to or omit from the Schedule any item of non-biodegradable waste and thereafter the Schedule shall be deemed to have been amended accordingly.

Power to amend Schedule.

(2) Every notification under Sub-section (1) shall be laid, as soon as may be, after it is made, before the State Legislature.

14. The State Government may, by notification published in the official Gazette, direct that any power exercisable by it under Act (Not including the power to make rules under section 17) may also be exercised, in such cases as may be specified in the order, by such officer or authority as may be specified therein.

Power to delegate.



Protection of  
action taken  
in good faith.

15. No suit, prosecution or other legal proceedings shall lie against the State Government or the local authority or any officers or other employees of the State Government or the local authority or any other person authorised by the State Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Other laws  
not affected.

16. The provisions of this Act are in addition to, and not in derogation of the provisions of any other law for the time being in force.

Power to  
make rules.

17. (1) The State Government may subject to the condition of previous publication in the official Gazette make rules for the purpose of carrying out the provisions of this Act.

(2) All rules made under this section shall be laid before the State Legislature for thirty days as soon as after they are made and shall be subject to such modifications or recissions as the State Government may make during the session in which they are so laid or the session immediately following.

(3) Any modifications or recission so made by the State Legislature shall be published in the official Gazette and shall thereupon take effect accordingly.

Power to  
remove  
difficulties.

18. If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing the difficulty.

### SCHEDULE

See Section 2 (f)

#### NON BIODEGRADABLE GARBAGE

1. Polythylene
2. Nylene
3. P. V. C.
4. Poly-propylene
5. Poly-styrene

**STATEMENT OF OBJECTS AND REASONS**

At present, the use of Plastic goods is pervading for the industrial and packaging purposes at large in the State. This results in huge waste garbage or material which is non-biodegradable which is not capable of being destroyed by an action of living being. The cows, cattles and other animals, in search of eatables such plastic bags and chemicalised waste, which is very injurious even to the health of these animals. The animals eating those non-biodegradable garbage suffer from various diseases and ultimately it results into death of these innocent animals. Such non-biodegradable garbage is injurious and harmful to the environment, human being and the animal being also. Therefore, it is necessary to have effective control for the disposal of the non-biodegradable garbage in the State by Act of the State Legislature.

Hence, this Bill.

Gandhinagar.

Dated 16<sup>th</sup> February, 2004.

**PRADIPSINH JADEJA**

M.L.A.

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

The bill involves delegations of legislative powers in the following respects, namely :-

Clause 12.—This clause empowers the State Government to issue the directions to the local authorities from time to time for the efficient administration of this Act.

Clause 13.—This clause empowers the State Government to amend the Schedule by publishing a notification in the *Official Gazette*.

Clause 14.—This clause empowers the State Government to specify such officer or authority to exercise powers exercisable by it under this Act (excluding the power to make rules).

Clause 17.—This clause empowers the State Government to make rules for the purposes of carrying out the provisions of this Act.

Clause 18.—This clause empowers the State Government to do any thing by an order anything not inconsistent with such provisions which appears to it to be necessary for the purpose of removing the difficulty, if any difficulty arises in giving effect to the provision of the Act.

The delegation of the Legislative powers as aforesaid is necessary and is of normal character.

Gandhinagar.

Dated 16<sup>th</sup> February, 2004.

**PRADIPSINH JADEJA**

M.L.A.

**FINANCIAL MEMORANDUM**

Clause 7 of the Bill provides for undertaking studies, research and support programme by the State Government in regards to the non-biodegradable garbages. This bill if enacted and brought into operation would not incur expenditure from the Consolidated Fund of the State, as it is presumed and expected that such studies, research and support programmes will be undertaken or conducted by the existing Government personnel and machineries and therefore no additional expenditure will be incurred from the Consolidated Fund of the State.

Gandhinagar.

Dated 16<sup>th</sup> February, 2004.

**PRADIPSINH JADEJA**  
M.L.A.

Gandhinagar

Dated : 27th May, 2004

**D. M. Patel,**  
Secretary,  
Gujarat Legislative Assembly.

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### PART - V

#### Bills introduced in the Gujarat Legislative Assembly.

The following Bill which was introduced on the 27th May, 2004 by  
shri Dr. Chandrikaben Chudasama (Sabirbhai Khedavala) M.L.A. is  
published under rule 127-A of the Gujarat Legislative Assembly Rules for  
general information.

#### GUJARAT BILL NO. 23 OF 2004.

#### THE GUJARAT PROHIBITION ON OBSCENE ADVERTISEMENTS, PHOTOGRAPHS AND POSTERS BILL, 2004

#### A BILL

*to provide for the prohibition on obscene advertisements, photographs  
and posters in the State of Gujarat*

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Prohibition on Obscene Advertisements, Photographs and Posters Act, 2004.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force at once.

Short title,  
extent and  
commence-  
ment.

2. In this Act, unless the context otherwise requires, the word "obscene" shall have the meaning as assigned to in the Indian Penal Code.

Definition.

3. No person shall publish, sell, let to hire, publicly exhibit or in any manner put into circulation or for purposes of publication, sale, hire, distribution, public exhibition or circulation, make produce or have in his possession any obscene advertisements, photographs or posters whatsoever.

Prohibition  
on obscene  
advertisements,  
photographs  
and posters.

4. Whoever contravenes or abets the contravention of the provision of section 3 shall, on conviction, be punished with imprisonment which may extend to one year or fine which may extend to one thousand rupees or with both.

Penalties.

41 of 1860.

**STATEMENT OF OBJECTS AND REASONS**

Of late, the publication of obscene advertisements, photographs and posters are being resorted to on wide scale. This creates an unhealthy atmosphere for the society in general and particularly for younger generation. This is totally against the moral concept of public opinion.

It is therefore, high time now to prevent this immoral practice, as existing laws or rules thereunder are found inadequate and ineffective.

Hence this Bill.

Dated the 28<sup>th</sup> April, 2004  
Gandhinagar.

**DR. CHANDRIKABEN CHUDASAMA**  
**(SABIRBHAI KHEDAVALA)**  
**M.L.A.**

Gandhinagar  
Dated : 27th May, 2004

**D. M. Patel,**  
Secretary,  
Gujarat Legislative Assembly.

**GOVERNMENT CENTRAL PRESS, GANDHINAGAR**



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# The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol : XLV]

FRIDAY, MAY 28, 2004 / JYAISTHA 7, 1926

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

## PART-V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE BOMBAY AERIAL ROPEWAYS (GUJARAT AMENDMENT) BILL, 2004.

GUJARAT BILL NO. 24 OF 2004.

#### A BILL

*further to amend the Bombay Aerial Ropeways Act, 1955.*

It is hereby enacted in the Fifty-fifth Year of the Republic of India  
as follows:-

1. (1) This Act may be called the Bombay Aerial Ropeways **Short title and commencement.**  
(Gujarat Amendment) Act, 2004.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.



**Amendment of  
section 3 of  
Bom.III of 1956.**

2. In the Bombay Aerial Ropeways Act, 1955 (hereinafter Bom.III of 1956. referred to as "the principal Act") , in section 3, for sub-section (2); the following shall be substituted, namely:-

"(2) The Advisory Board shall consist of a Chairperson who shall be the Chief Electrical Inspector and seven other members to be appointed by the State Government amongst the persons having knowledge or experience in the fields of ropeway, structural, mechanical, electrical and metallurgical engineering;

Provided that the Board may invite an expert in the meeting of the Board and such invitee may take part in the meetings but shall not have right to vote in the meeting."

**Amendment of  
section 5 of  
Bom.III of 1956.**

3. In the principal Act, in section 5, the following words shall be added at the end, namely:-

"and the rules made thereunder and in conformity with the provisions of the relevant code of practice of the Bureau of Indian Standard."

**Amendment of  
section 7 of  
Bom.III of 1956.**

4. In the principal Act, in section 7, after clause (f), the following clauses shall be added, namely:-

"(g) a description of basic engineering design and risk analysis of ropeway, schemes for safety requirements and emergency plan for rescue operations;

(h) drawings showing the electrical layouts control circuits, lighting circuits and earthing systems;

(i) such other information and documents as may proscribed."

5. In the principal Act, in section 9, in sub-section (4), in clause (vi), the following words shall be added at the end, namely:-

Amendment of section 9 of Bom.III of 1956.

“and the requirement of the certificate of a recognised testing laboratory of the major materials to be used and essential for the safety of the installation.”.

6. In the principal Act, after section 14, the following new section shall be inserted, namely:-

Insertion of new section 14A in Bom.III of 1956.

Periodical inspection after opening of aerial ropeway.

“14A. (1) Every aerial ropeway shall be inspected by the Inspector at least once in a year.

(2) Before the initial inspection is carried out by the Inspector under section 14 or the periodical inspection under sub-section (1), the promoter shall also submit a report of inspection carried out by an agency authorised by the Advisory Board in this behalf.”.

7. In the principal Act, after section 19, the following new sections shall be inserted, namely:-

Insertion of new sections 19A and 19B in Bom.III of 1956.

Insurance against the third party risk.

- “19A. (1) The promoter of every aerial ropeway shall obtain a policy of insurance in respect of the aerial ropeway from an authorised insurer recognised under the relevant insurance law.

- (2) The policy of insurance obtained by the promoter under sub-section (1) shall cover the insurance of the person traveling in the aerial ropeway including those persons employed by the promoter in connection with the operation of such aerial ropeway against any liability which may be incurred by him in respect of the death of or bodily injury to any person including of the goods or his authorized representatives carried in the aerial ropeway or damage to any property of third party caused by or arising out of the use of aerial ropeway.

Liability  
to pay  
compensa-  
tion on  
the  
principles  
of no  
fault.

19B. (1) Where death or permanent disablement of any person has resulted from an accident arising out of the use of aerial ropeway, the promoter or promoters of the aerial ropeway shall jointly and severally, be liable to pay compensation in respect of such death or disablement of any person.

(2) The amount of compensation to be paid under sub-section (1) shall be a fixed sum of rupees two lacs in case of death of any person and rupees fifty thousand in case of permanent disablement of any person and in the case of minor injuries such sum not exceeding rupees twenty-five thousand as may be determined by the Advisory Board.

(3) A claim for compensation under sub-section (1) shall neither be defeated by reason of any wrongful act, neglect or default of the person in respect of whose death or permanent disablement, the claim has been made nor shall the quantum of compensation recoverable in respect of such death or permanent disablement be reduced on the basis of the share of such person in the responsibility for such death or permanent disablement.

(4) The right to claim compensation under this section in respect of death or permanent disablement of any person shall be in addition to the right of any such person to claim compensation in respect thereof under any other law for the time being in force:

Provided that the amount of compensation payable under any other law for the death or bodily injury shall be reduced from the amount of compensation payable under this section."



8. In the principal Act, in section 20,-  
**Amendment of section 20 of Bom.III of 1956.**
- (1) for the words "send notice of the accident to the State Government and to the Inspector", the words "give intimation to the State Government and to the Inspector and send a notice of the accident to the State Government and to the Inspector in such form and within such period as may be prescribed" shall be substituted;
- (2) for the words "Greater Bombay, to the Commissioner of Police", the words "Commissioner of Police in the City area" shall be substituted.
9. In the principal Act, in section 29, for the words "revision by the District Judge", the words "revision by a judge of the City Civil Court in the city of Ahmedabad and elsewhere by the District Judge" shall be substituted.  
**Amendment of section 29 of Bom. III of 1956.**
10. In the principal Act, in section 30, in the *Explanation*, for the words and figures "the Indian Companies Act, 1913", the words and figures "the Companies Act, 1956" shall be substituted.  
**Amendment of section 30 of Bom. III of 1956.**
11. In the principal Act, in section 33, in sub-section (2),-  
**Amendment of section 33 of Bom. III of 1956.**
- (1) after clause (c), the following clause shall be inserted, namely:-  
"(cc) fails to carry out inspection under sub-section (2) of section 14A, or";
- (2) after clause (e), the following clauses shall be inserted, namely:-  
"(ee) fails to obtain policy of insurance under sub-section (1) of section 19A; or  
(eee) fails to pay within reasonable time, compensation payable under section 19B, or";

VII of 1913.

I of 1956.

- (3) for the words "two hundred rupees", the words "ten thousand rupees" shall be substituted;
- (4) for the words "fifty rupees", the words "two thousand five hundred rupees" shall be substituted;
- (5) for the words "one thousand rupees", the words "fifty thousand rupees" shall be substituted.

Amendment  
of section 34  
of Bom. III  
of 1956.

12.

In principal Act, in section 34, for the words "two hundred rupees", the words "ten thousand rupees" shall be substituted.

Amendment  
of section 35  
of Bom. III  
of 1956.

13.

In the principal Act, in section 35, for the words "two hundred rupees", the words "ten thousand rupees" shall be substituted.

Amendment  
of section 42  
of Bom. III of  
1956.

14.

In the principal Act, in section 42, in sub-section (1), for the figures "14, 15, 16, 17", the figures and letters "14, 14A, 15, 16, 17, 19A, 19B" shall be substituted.

Amendment  
of section 45  
of Bom. III of  
1965.

15.

In the principal Act, in section 45, in sub-section (2)-

- (1) after clause (a), the following clauses shall be inserted, namely:-

“(aa) construction, opening, maintaining and working of aerial ropeway under section 5;

“(aaa) other information and documents which shall contain with the application under section 7;”;

- (2) in clause (d), for sub-clause (vi), the following sub-clauses shall be substituted, namely:-

“(vi) the conduct of the employees of the promoter and the requirements, qualifications and experience of such employees;

“(vi-a) the provision regarding emergency plan covering risk assessment connected with such operation;”;

(3) in clause (g), for the words “the accidents of which”, the words “form in which, the period within which and the accident of which” shall be substituted.



**STATEMENT OF OBJECTS AND REASONS**

After the accident occurred in *Pavagadh* ropeway, the Gujarat State Disaster Management Authority invited the international experts to study the occurrence of accident and to suggest the remedial measures to be taken to avoid the reoccurrence of such accidents. The report prepared by these experts and on, studying the said report it is felt that certain amendment in the Bombay Aerial Ropeways Act, 1955 need to be made. The Government has also constituted a committee under the chairmanship of Dr. M. Ramamoorthy, Director ERDA to suggest amendments in the Act. Accordingly the amendments proposed in the Act are as under :-

- (i) The existing strength of the Advisory Board, as provided in section 3, consist of Chairman and two experts only. In order to have more experts, it is proposed that Board shall consists of Chairperson who shall be the Chief Electrical Inspector and seven other members in the fields of ropeway; structural mechanical electrical and metallurgical engineering. It is also proposed that Board may also invite other expert in the meeting.
- (ii) In order to provide better safety for aerial ropeway, it is proposed that the ropeway shall be constructed, opened, maintained and worked in conformity with the code of practice of the Bureau of Indian Standards and also in accordance with the rules made in this behalf by the State Government . Some more requirements viz. description of basic engineering design and risk analysis, safety requirements and emergency plan for rescue operation, electrical layouts, control circuits and the certificate from a recognized testing laboratory for materials to be used in installation of ropeway etc. are proposed. The amendments proposed in sections 5, 7 and 9 provides accordingly.
- (iii) For effective implementation of the Act, it is proposed in new section 14A that every ropeway shall be inspected by the Inspector at least once in a year and promoter shall also carry out the inspection by an agency authorised by Advisory Board.

- (iv) Whenever an accident occurs on the ropeway, the victims either loses their lives or sustain injuries of the nature of permanent disablement but in the present Act, there is no provision for third party insurance. With a view to protect the interest of users of the ropeway, it is proposed in new sections 19A and 19B that promoter shall insure the ropeway covering the insurance of person traveling in the ropeway and also payment of fixed compensation of rupees two lacs in case of death and rupees fifty thousand in case of permanent disablement and in other cases upto rupees twenty-five thousand as may be determined by the Advisory Board.
- (v) In order to get information in detail, in case of accidents, it is proposed that notice under section 20 for any accident of ropeway shall be sent in the prescribed form and within the prescribed time.
- (vi) The amount of penalty for offences prescribed in sections 33, 34 and 35 is very low. It is, therefore, considered necessary to enhance the amount of penalty from rupees two hundred to rupees ten thousand, rupees fifty to rupees two thousand five hundred and rupees one thousand to rupees fifty thousand.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

**SAURABH PATEL**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves delegation of legislative powers in the following respects:-

- Clause 1.-* Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which the Act shall come into force.
- Clause 3.-* Section 5 proposed to be amended by this clause empowers the State Government to prescribe by rules, the construction, opening, maintaining and working of aerial ropeway.
- Clause 4.-* Section 7 proposed to be amended by this clause empowers the State Government to prescribe by rules, the other information and documents to be submitted along with the application to be made under section 6.
- Clause 8.-* Section 20 proposed to be amended by this clause empowers the State Government to prescribe by rules, the form of notice and the time within which the notice of accident shall be sent to the State Government and to the Inspector.
- Clause 15.-* Section 45 proposed to be amended by this clause empowers the State Government to make rules for the matters specified therein.

The delegation of legislative powers as aforesaid is necessary and is of a normal character

Dated the 28th May, 2004.

**SAURABH PATEL.**

By order and in the name of the Governor of Gujarat,

Gandhinagar,  
Dated the 28<sup>th</sup> May, 2004.

**S.S. PARMAR,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.





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# The Gujarat Government Gazette

## EXTRAORDINARY

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### PART - V

#### Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

#### THE GUJARAT CINEMAS (REGULATION) BILL, 2004.

#### GUJARAT BILL NO. 25 OF 2004.

#### A BILL

*to provide for regulating exhibitions by means of cinematographs and the licensing of places in which cinematograph films are exhibited in the State of Gujarat.*

WHEREAS it is expedient to provide for regulating exhibitions by means of cinematographs and the licensing of places in which cinematograph films are exhibited in the State of Gujarat;

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows:--

1. (1) This Act may be called the Gujarat Cinemas (Regulation) Act, 2004. Short title & extent.

(2) It extends to the whole of the State of Gujarat.

**Definitions.**

2. In this Act, unless there is anything repugnant in the subject or context, -

(a) "cinematograph" includes any apparatus for the representation, moving pictures or series of pictures;

(b) "licensing authority" means the authority empowered to grant licences under section 4;

(c) "place" includes a house, building, tent and any description of transport, whether by sea, land or air;

(d) "prescribed" means prescribed by rules made under this Act.

**Cinematograph exhibitions to be licensed.**

3. Save as otherwise provided in this Act, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Act or otherwise than in compliance with any conditions and restrictions imposed by such licence.

**Licensing authority.**

4. The authority having power to grant licences under this Act shall be-

(i) in areas for which a Commissioner of Police is appointed under section 7 of the Bombay Police Act, 1951, such Commissioner; and

Bom.XXII of 1951.

(ii) elsewhere, the District Magistrate:

Provided that the State Government may, by notification in the *Official Gazette* constitute for the whole or any part of the State of Gujarat such other authority as it may specify in the notification to be the licensing authority for the purposes of this Act.

**Restriction on powers of licensing authority.**

5. (1) The licensing authority shall not grant a licence under this Act, unless it is satisfied that -

(a) the rules made under this Act have been substantially complied with, and

(b) adequate precautions have been taken in the place, in respect of which the licence is to be given, to provide for the safety of persons attending exhibition therein.

(2) Subject to the provisions of sub-section (1), and to the control of the State Government, the licensing authority may grant licences



under this Act to such persons as that authority thinks fit and on payment of such fees and on such terms and conditions and subject to such restrictions as may be prescribed.

(3) The State Government may, from time to time, issue directions to licensees generally or to any licensee in particular for the purpose of regulating the exhibition of any film or class of films so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films secure, an adequate opportunity of being exhibited, and where any such directions have been issued, those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted.

6. (1) The State Government, in respect of the whole of the State of Gujarat or any part thereof, or the licensing authority, in respect of the area within its jurisdiction, may, if it is of the opinion that any film which is being publicly exhibited is likely to cause a breach of the public order, by order, suspend the exhibition of the film and during such suspension, such film shall be deemed to be an uncertified film in the area specified in the order.

**Power of State Government or licensing authority to suspend exhibition of films in certain cases.**

(2) When an order under sub-section (1) has been issued by the licensing authority, a copy thereof together with a statement of reasons therefor, shall forthwith be forwarded by the licensing authority to the State Government and the State Government may either confirm or annul the order.

(3) An order made under sub-section (1) shall, unless it is annulled by the State Government under sub-section (2), remain in force for a period of two months from the date thereof but the State Government may, if it is of the opinion that the order should continue in force, extend the period of suspension from time to time for such further period as it thinks fit.

7. If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used, in contravention of the provisions of this Act or of the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Act or if the owner or persons in charge of a cinematograph contravenes any of the conditions or restrictions imposed by an order of exemption made under section 13, he shall on conviction, be punished with fine which may extend to one thousand rupees and in the case of a continuing offence with a further fine which may extend to one hundred rupees for each day

**Penalties for contravention of Act.**



during which the offence continues after conviction for the first such offence.

**Power to  
revoke or  
suspend  
licence.**

8. In the event of any contravention by the holder of a licence of any of the provisions of this Act or the rules made thereunder or of any of the conditions or restrictions upon or subject to which the licence has been granted to him under this Act or of any of the conditions or restrictions imposed by an order of exemption made under section 13, or in the event of his conviction of an offence under section 7 of this Act or section 7 of the Cinematograph Act, 1952, the licensing authority may revoke the licence or suspend it for such period as it may think fit:

XXXVII of 1952.

Provided that no licence shall be revoked or suspended unless the holder thereof has been given reasonable opportunity to show cause.

**Appeal.**

9. Any person aggrieved by an order of a licensing authority refusing to grant a licence, or revoking or suspending any licence under section 8, may within such period as may be prescribed, appeal to the State Government and the State Government shall, on such appeal make such order as it thinks just and proper, and such order shall, subject to provisions of sections 10 and 11, be final.

**Revision.**

10. (1) The State Government may either of its own motion, or upon an application by an aggrieved person made within such period as may be prescribed, call for and examine the record of any order made by licensing authority under this Act, and pass such order thereon as it thinks just and proper.

(2) The State Government shall -

(i) before passing any order under sub-section (1), which is likely to affect any person adversely, give such persons a reasonable opportunity of being heard, and

(ii) record its reasons for passing an order under the said sub-section.

**Review.**

11. Any person who, considering himself aggrieved by an order of the State Government under section 9 or 10, desires to obtain a review of the order passed against him, on the ground of some mistake or error apparent on the face of the record or on the ground that some new fact has been discovered which could not be placed earlier before the licensing authority or the State Government inspite of due diligence on the part of such person, may, within such period

as may be prescribed, apply for a review of the order to the State Government and the State Government shall, after making such inquiry as it thinks fit, pass such order as it considers necessary in the circumstances of the case.

**12.** (1) The State Government may by notification in the *Official Gazette*, make rules for the purpose of carrying into effect the provisions of this Act. **Power to make rules.**

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-

(a) prescribing the procedure in accordance with which a licence may be obtained and the terms, conditions and restrictions, if any, subject to which licences may be granted under this Act and fees for such licences;

(b) prescribing the period within which an appeal under section 9 or a revision application under section 10 or a review application under section 11 may be made;

(c) providing for the regulation of cinematograph exhibitions for securing public safety;

(d) regulating the means of entrance and exit at places licensed under this Act and providing for prevention of disturbance there at;

(e) regulating or prohibiting the sale of any ticket or pass for admission by whatever name called to a place licensed under this Act.

(3) In making rules under this section, the State Government may provide that any person failing to comply with or contravening the provisions of any rules shall, on conviction, be punished with fine which may extend up to one thousand rupees.

(4) The power to make rules under this section shall be subject to the condition of previous publication.

(5) All rules made under this section shall be laid for not less than thirty days before the House of the State Legislature as soon as possible after they are made, and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(6) Any modifications so made by the State Legislature shall be notified in the *Official Gazette*, and thereupon shall take effect.

**Power to  
exempt.**

13. The State Government may, by order in writing, exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Act or of any rules made thereunder.

**Delegation of  
power under  
section 13.**

14. The State Government may, subject to such restrictions and conditions as it may think fit to impose, by notification in the *Official Gazette*, delegate to any of its officers the power conferred on it by section 13.

**Repeal and  
savings.**

15. (1) The Bombay Cinemas (Regulation) Act, 1953 is hereby repealed. **Bom. XI of 1953.**

(2) Notwithstanding such repeal of the said Act, anything done or any action taken (including any rule or order made, notification issued or appointment made) by or under that Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken by or under this Act and shall continue to be in force until superseded by anything done or any action taken under the provisions of this Act.



**STATEMENT OF OBJECTS AND REASONS**

The Bombay Cinemas (Regulation) Act, 1953 was applicable in the State of Bombay. The said Act was adopted by and extended to the State of Gujarat on its formation. With a view to carrying out the intention of the Government to have its own law for the State of Gujarat, it is considered necessary to enact the Gujarat Cinemas (Regulation) Act, 2004 by replacing the Bombay Cinemas (Regulation) Act, 1953.

This Bill seeks to achieve the aforesaid object.

The following notes on clauses explain, in brief, the important provisions of the Bill:-

- Clause 1.-* This clause provides for short title and extent of the Act.
- Clause 2.-* This clause defines certain terms used in the Bill.
- Clause 3.-* This clause provides for cinematograph exhibitions to be licensed.
- Clause 4.-* This clause provides for constituting licensing authority.
- Clause 5.-* This clause provides for restriction on powers of licensing authority.
- Clause 6.-* This clause provides for the power of the State Government or the licensing authority to suspend exhibition of films in certain cases.
- Clause 7.-* This clause provides for penalties for contravention of the provisions of this Act.
- Clause 8.-* This clause provides for the power to revoke or suspend the licence.
- Clauses 9, 10 and 11.-* These clauses provide for appeal, revision and review respectively.
- Clause 12.-* This clause empowers the State Government to make by notification in the *Official Gazette*, rules for carrying out the purposes of this Act.
- Clause 15.-* This clause provides for repeal of the Bombay Cinemas (Regulation) Act, 1953 and the savings.

**INDRAVIJAYSINH JADEJA**

**MEMORANDUM REGARDING DELEGATED LEGISLATION.**

This Bill involves delegation of legislative powers in the following respects.-

*Clause 4.-* The proviso to this clause empowers the State Government, by notification in the *Official Gazette*, to constitute such other authority to be the licensing authority for the whole or any part of the State.

*Clause 5.-* Sub-clause (2) of this clause empowers the State Government to prescribe by rules, the payment of fees and terms and conditions subject to which the licensing authority may grant licence under the Act.

*Clause 9.-* This clause empowers the State Government to prescribe by rules, the period within which appeal against the order of licensing authority shall be preferred before the State Government.

*Clause 10.-* This clause empowers the State Government to prescribe by rules, the period within which application shall be made by the aggrieved person to the State Government for revision.

*Clause 11.-* This clause empowers the State Government to prescribe by rules, the period within which the person aggrieved by an order of the licensing authority under clause 9 or of the State Government under clause 10 shall make an application to the licensing authority or to the State Government for review.

*Clause 12.-* This clause empowers the State Government to make, by notification in the *Official Gazette*, rules generally for carrying out the purposes of the Act and particularly for all or any of the matters specified in sub-clause (2).

*Clause 14.-* This clause empowers the State Government to delegate the power conferred on it by section 13, by notification in the *Official Gazette*.

The delegation of legislative powers as aforesaid are necessary and are of a normal character.

Dated the 29th May, 2004.

**INDRAVIJAYSINH JADEJA.**

By order and in the name of the Governor of Gujarat,

Gandhinagar.

Dated the 31st May, 2004.

**S.S. PARMAR,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.



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Separate paging is given to this Part in order that it  
may be filed as a Separate Compilation.

## PART - V

**Bills introduced in the Gujarat Legislative Assembly.**

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT TOWN PLANNING AND URBAN DEVELOPMENT (AMENDMENT) BILL, 2004.

THE GUJARAT BILL NO. 26 OF 2004.

### A BILL

*further to amend the Gujarat Town Planning and  
Urban Development Act, 1976.*

It is hereby enacted in the Fifty-fifth Year of the Republic of India  
as follows:-

1. This Act may be called the Gujarat Town Planning and Urban Development (Amendment) Act, 2004. **Short title.**

**President's Act  
No.27 of 1976.**

2. In the Gujarat Town Planning and Urban Development Act, 1976, in section 51, for the existing provisos, the following proviso shall be substituted, namely :-

**Amendment of  
section 51 of  
President's Act  
No. 27 of 1976.**

"Provided that the State Government may, from time to time, by order in writing, extend the said period by such further period or periods as may be specified in the order and any such order extending the period may be made so as to have retrospective effect."



**STATEMENT OF OBJECTS AND REASONS**

The Gujarat Town Planning and Urban Development Act, 1976 is amended by the Gujarat Town Planning and Urban Development (Amendment) Act, 1999 (Guj. 2 of 1999) and the Gujarat Town Planning and Urban Development (Amendment) Act, 2001 (Guj. 16 of 2001). Under the existing provisions of section 51 as amended by the said amending Acts, there is a provision for extension of the time limit for maximum period of twenty-seven months for the purpose of sub-dividing the town planning scheme. Prior to the said amendments, there was no such time limit for extension of the period for sub-dividing the town planning scheme. It is experienced that the provision made by the above said amendments are not convenient and practicable to implement them but the original provisions prior to the above said amendments are found more convenient and practicable for implementation. It is, therefore, considered necessary to amend section 51 of the said Act to enable the State Government to extend the time limit from time to time.

This Bill seeks to amend the said Act to achieve the aforesaid object.

**INDRAVIJAYSINH JADEJA**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

The Bill involves delegation of legislative powers in the following respects :-

*Clause 2.-* Provisos to section 51 proposed to be substituted by this clause empowers the State Government to extend the period, from time to time, within which the Town Planning Officer shall divide the town planning scheme into preliminary scheme and final scheme.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Dated the 3rd June, 2004.

**INDRAVIJAYSINH JADEJA.**

By order and in the name of the Governor of Gujarat,

Gandhinagar,  
Dated the 4<sup>th</sup> June, 2004.

**S.S. PARMAR,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

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Government Central Press, Gandhinagar.



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# The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XLV]

THURSDAY, JUNE 3, 2004/JYAISTHA 13, 1926

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

## PART - V

Bills introduced in the Gujarat Legislative Assembly.

The following Bill which was introduced on the 3rd June, 2004 by Shri **SABIRBHAI KHEDAVALA** M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

GUJARAT BILL NO. 27 OF 2004.

THE GUJARAT WELFARE AND PROTECTION OF MINORITIES BILL, 2004.

### A BILL

*to provide for the welfare and protection of life and properties of minority communities in the State of Gujarat and for matters connected therewith.*

It is hereby enacted in the Fifty fifth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Welfare and Protection of Minorities, Act, 2004.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force at once.
2. In this Act, unless the context otherwise requires,
  - (a) "family member" means and includes a husband, wife,

Short title,  
extent and  
commence-  
ment.

Definitions.



son, daughter, mother, father, brother, sister or any other person with whom the deceased was residing.

(b) "minority community" means a group of persons belonging to a community based on religion other than Hindus.

Special care to protect minority.

3. The State Government shall take special care to protect the life and properties of minority community from any attack or assault thereon and for this purpose the State Government may arrange for special squads of police.

Responsibility for communal disturbance.

4. (1) It shall be the paramount duty of the District Magistrate to maintain communal harmony and to keep a careful watch and vigilance over the communal atmosphere in his district.

(2) The District Magistrate shall be responsible for any communal disturbance in his District and shall be liable for summary suspension during the pendency of the investigation about his vigilance.

Offence and penalties therefor.

5. (1) Any attack or assault on the life or properties of the minority community shall be a cognizable offence under this Act and shall be tried in the 'Court of the Magistrate not inferior to the Judicial Magistrate of First Class and any person directly or indirectly involved therein shall, on conviction, be punished with imprisonment for the term of not less than seven years.

(2) Any person or institution belonging to the minority community may lodge a complaint for any offence under this Act.

Compensation.

6. The State Government shall pay as a compensation in cash and within three months of the incident, if it is a loss of life Rs. 5 Lacs each, if it is a physical injury Rs. 50,000 each and if it is a loss or damage of properties the actual market value of the properties lost or damaged during the communal disturbance or violence.

Separate Department.

7. There shall be set up a separate and full-fledged Department at the Sachivalaya level at Gandhinagar entrusted for looking after and implementing the ways and means and the schemes of the educational, cultural, social economic and all-round development and welfare of minority communities and the Urdu and other languages of the minority communities.

Power to make Rules.

8. (1) The State Government may, make rules for carrying out the purposes of this Act.

(2) All rules made under this Act, shall be published in the Official Gazette and unless they all are expressed to

come into force on a particular day, **shall** come into force on the day on which they are so published.

- (3) All rules made under this Act shall **be laid** for not less than thirty days before the State Legislature as soon as possible after they are made and shall be **subject to** rescission by the Legislature or to such modifications as the Legislature may make during the session in which **they** are so laid or the session immediately following.
- (4) Any rescission or modification **so made** by the State Legislature shall be published in the Official Gazette and shall thereupon taken effect.

**STATEMENT OF OBJECTS AND REASONS**

The lives and properties of persons belonging to the Minority communities deserve to be protected meticulously. India is a secular State and hence all communities are equal. In communal disturbances and riots the minority communities have generally to suffer. The District authorities in most of the cases are aware of the communal tension prevailing. They however, do not take prompt preventive measures, which result into heavy loss of lives and properties of the minorities. The summary action is, therefore, proposed against the District Magistrate who is responsible for maintaining law and order situation in the District.

The Government of a secular State should also look into the developmental and welfare activities of minority communities who are living economically, socially and educationally backward life since the Independence.

During the communal disturbances or violence many a persons of minority communities become the victims either in the form of physical injuries or loss or damage of properties and have to live a pitiable life thereafter. It is therefore proposed to provide for payment of compensation in cash and immediately within three months of the incident in which a person of minority communities has to lose life or either suffer physical injuries or loss or damage of properties either in communal disturbances, anti-minority violence or police firing. This provision will help to provide some compensation or relief to the persons affected and it will also discourage the forces behind the communal disturbances or violence in the State. It is also proposed to set up a separate Department at Sachivalaya level for the welfare activities of the minority communities in the State on the line of the Scheduled Castes and Scheduled Tribes in the Government Department of Social Justice and Empowerment Department. The States of U.P, and West Bengal and some other States in India have also set up such Departments.

For the all-round development of Gujarat and for the upliftment and welfare of the people of Gujarat, it is essential to maintain law and order and peace in the State of Mahatma Gandhi, Father of the Nation and great saint and propounder of non-violence.

Hence this Bill.

Dated the 4th May, 2004  
Gandhinagar.

SABIRBHAI KHEDAVALA  
M.L.A.



**MEMORANDUM REGARDING DELEGATED LEGISLATION.**

Clause 8 of the Bill empowers the State Government to make rules for carrying out the purposes of the Act.

The delegation of Legislative powers is essential and is of normal character.

Dated the 4th May, 2004  
Gandhinagar.

**SABIRBHAI KHEDAVALA**  
M.L.A.

**FINANCIAL MEMORANDUM**

For the implementation of the provisions of the Bill and for its efficient functioning, a financial provision for a recurring expenditure of Rs. 50 lacs is estimated from the Consolidated Fund of the State.

Dated the 4th May, 2004  
Gandhinagar.

**SABIRBHAI KHEDAVALA**  
M.L.A.

Gandhinagar,  
Dated the 3<sup>rd</sup> June, 2004.

**D. M. PATEL,**  
Secretary,  
Gujarat Legislative Assembly.



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Bills introduced in the Gujarat Legislative Assembly.

The following Bill which was introduced on the 3rd June, 2004 by Shri **SABIRBHAI KHEDAVALA M.L.A.** is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

GUJARAT BILL NO. 28 OF 2004.

### THE GUJARAT BURIAL GROUNDS PRESERVATION AND MAINTENANCE BILL, 2004.

#### A BILL

*to provide for the preservation and maintenance of certain burial grounds in  
the State of Gujarat*

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Burial Grounds Preservation and Maintenance Act, 2004.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force at once.

Short title  
extent and  
commencement.

2. In this Act, inless the context otherwise requires, "burial grounds" means Kabrastan, cemetery or such other land set apart under section 38 of the Bombay Land Revenue Code, 1879 as a burial ground for any community or for children and nor managed by any public trust registered under the Bombay Public Trusts Act, 1950 or by a wakf registered under the Wakf Act, 1954.

Definition.

Bom. 5 of 1879.  
Bom. 29 of 1950.  
Act No. 29 of  
1954.

Committee  
for each  
burial ground.

3. (1) There shall be a Committee to look after the preservation and maintenance of each burial ground.

(2) The Committee shall consist of a Chairman and not more than five other members nominated by the Collector from amongst the persons who ordinarily reside at the place where the burial ground is situated:

Provided that in case of a burial ground set apart for a particular community, the persons belonging to that community shall only be nominated members of the Committee.

(3) The terms of office of the Chairman and the members of the Committee shall be two years from the date of such nomination.

(4) The procedure of the Committee shall be such as may be prescribed.

Functions of  
the  
Committee

4. The functions of the Committee shall be—

(1) to see that the person entitled to the use of the burial ground is allowed to use such ground without any hindrance.

(2) to prevent misuse or sale of the burial ground by any person;

(3) to fence the burial ground by barbed wire or any other material;

(4) to provide for adequate supply of water in the burial ground;

(5) to provide for growing of flowers and trees in the burial ground;

(6) to do such other things as may be necessary for the smooth and efficient management of burial ground.

Funds of  
Committee

5. The Committee may accept donations and collect funds for the purpose of preservation and maintenance of the burial ground.

Accounts.

6. The accounts of the burial ground management shall be maintained in such form and shall be audited by such agency as may be prescribed.

Permission  
not necessary  
in certain  
matters.

7. Notwithstanding anything contained in the Bombay Land Revenue Code, 1879 or any other law for the time being in force, it shall not be necessary for the Committee to obtain any permission of the State Government or any local authority for doing anything within the limits of the burial ground for carrying out the purposes of this Act.

Bom. 5 of  
1979.

Liability of  
member of  
Committee.

8. (1) On a complaint received from any person against any member of the Committee or on his own motion, the Collector or any officer authorised by him in this behalf in writing, may inquire into any misappropriation of the fund of the Committee and if he is satisfied that any member of the Committee is responsible for misappropriation of the fund of the Committee he may, by order in writing direct such member to pay to the committee before a fixed date, the amount misappropriated by him.

(2) If the amount misappropriated is not paid by him within the time fixed, it shall be recovered as an arrears of Land Revenue and credited to the fund of the Committee.

(3) Any person aggrieved by the decision of the Collector or any officer so authorised may, within thirty days from the date of such decision, appeal to the District Court for redressal of his grievances and that Court after taking such evidence as it thinks necessary may, confirm, modify or set aside the order passed by the Collector or any officer authorised by him and make such order as it deems fit.



9. (1) The State Government may, by an officer authorised in this behalf, cause to investigate and ascertain the facts as to whether any burial ground which was not notified and used as such by any community at the commencement of the Constitution of India or thereafter.

Investigation into former burial grounds, removal of occupants and encroachment thereon.

(2) If the investigation of an officer authorised under sub-section (1) reveals that any burial ground which was used at the commencement of the constitution of India or thereafter has been occupied by any person and used for purposes other than the burial purpose or has been converted into any land or building, then it shall be lawful for the State Government to summarily evict its occupant therefrom, remove encroachment thereon and cause to notify it to be a burial ground and hand over its possession to any of the committee referred to in section 3 for resumption of its use as a burial ground.

10. Any person, who—

Punishment.

(a) has misused a burial ground, or

(b) has occupied the burial ground and used for any purpose other than a burial ground, and

(c) has converted a burial ground into a land or a building.

shall, on conviction, be punished with an imprisonment for a term not exceeding five years and with a fine not exceeding Rs. 5000/-.

11. (1) the State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature, as soon as possible after they are made and shall be subject to such modification as the Legislature may make during the session in which they are so laid or the session immediately following.

(3) any modification so made by the State Legislature shall be published in the Official Gazette and shall thereupon take effect.

**STATEMENT OF OBJECTS AND REASONS**

Ordinarily in every village, town or city in the State of Gujarat, there are burial grounds for different communities. Some of them are under trusts or wakfs but usually they are under Government or Panchayats or Municipalities. The lands under the Panchayats or Government are many times used for the purposes other than burying the dead causing bitterness among the religious minorities such as muslims, Christians etc. It is therefore, necessary to create some agency to look after the burial grounds.

It is therefore, necessary that there should be some agency to look after such burial grounds which are not looked after by any agency. It is also necessary that certain facilities such as fencing, adequate supply of water, growing of flowers and trees etc. are provided in such burial grounds.

Statutory Committee consisting of a Chairman nominated by the Collector from amongst the persons belonging to the community for which the burial ground is set apart would be the proper agency to look after each burial ground. This Bill seeks to provide for nomination of such a Committee for each burial ground with necessary provisions for its functions, power to collect funds, maintenance of accounts etc.

Certain burial grounds which were not notified and used as burial grounds some years ago have been occupied and converted into lands or buildings and requires to be investigated and its unauthorised occupation also requires to be evicted so as to restore such grounds for the use as a burial ground.

**Gandhinagar**

**Dated : the 4th May, 2004.**

**SABIRBHAI KHEDAVALA**

**M.L.A.**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

The following provisions of the Bill provide for delegation of powers of legislative nature, namely :-

*Clause 3.*—Sub-clause (4) of this clause empowers the State Government to prescribe procedure of the Committee.

*Clause 4.*—Sub-clause (6) of this empowers the State Government to prescribe functions for the Committee other than those specified in sub-clause (1) to (5) of clause 4.

*Clause 6.*—This clause empowers the State Government to prescribe form in which the accounts of the Committee shall be maintained and to prescribe the agency for auditing the accounts of the burial ground management.

*Clause 11.*—This clause empowers the State Government to make rules for carrying out the purposes of the Act.

The delegation of powers as aforesaid is necessary and is of a normal character.

**Gandhinagar**

**Dated : the 4th May, 2004.**

**SABIRBHAI KHEDAVALA**

**M.L.A.**

Gandhinagar,  
Dated the 3<sup>rd</sup> June, 2004.

**D. M. PATEL,**  
Secretary,  
Gujarat Legislative Assembly.



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The following Bill which was introduced on the 3rd June, 2004 by Shri SABIRBH. I KHEDAVALA M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

GUJARAT BILL NO. 29 OF 2004.

### THE GUJARAT PREVENTION OF CONTEMPT OF THE PEOPLE (BY PUBLIC SERVANT) BILL, 2004.

#### A BILL

*to provide for the protection of the people from insult and disrespect shown by public servant against them and for assuring dignity of the individual.*

It is hereby enacted in the Fifty-fifth year of Republic of India as follows:—

1. (1) This Act may be called the Gujarat Prevention of Contempt of the People (By Public Servant) Act, 2004.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force at once.

Short title,  
extent and  
commence-  
ment.

2. In this Act, unless the context otherwise requires—

Definitions.



(1) The words "contempt of the people" denotes an act or an omission by public servant falling under any of the description hereinafter following, namely:-

- (a) wandering or remaining absent from the place of duty in order to avoid work during duty hours.
  - (b) reading newspapers, magazines or other books or hearing radio which is not a part of his duty during the duty hours at one's duty place.
  - (c) sitting or behaving in disorderly manner at one's place of duty during duty hours.
  - (d) not replying properly and politely to any person coming for official work or for inquiry.
  - (e) not replying properly and to the point to any written application made by any person.
  - (f) insulting or disrespecting any person by using abusive or offensive language.
  - (g) asking for or accepting anything from any person which is not necessary for one's duty or job assigned to a public servant.
  - (h) furnishing false information to any person.
  - (i) omitting to render or furnish assistance to any person.
  - (j) disobedience of any law, rule, order or direction issued by the State Government.
- (2) "public servant" means every person ;
- (a) in the service or pay of the State Government or remunerated by fees or commission for the performance of any public duty by the State Government.
  - (b) in the service or pay of a local authority or a corporation established under a Central or State Act or a Government company as defined in section 617 of the Companies Act, 1956, excepting 'Judges' as defined in the Indian Penal Code.

1 of 1956  
45 of 1960.

**Punishment  
for Contempt.**

3. Any Public Servant who commits contempt of the people shall be punished with simple imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees or with both:

Provided that the public servant may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the Judge.

**Jurisdiction**

4. Any person who feels or comes to know that any public servant has committed contempt of the people may apply to the Civil Judge within whose jurisdiction the alleged contempt has been committed with supporting affidavits of himself and of witnesses, if any, and with all or any documentary evidence available with him:

Provided that application referred to in this section may be presented personally or may be sent by post.

5. The Civil Judge will give or send by post receipt of the application within three days to the applicant and issue a showcause notice to the public servant concerned within eight days. **Show Cause Notice.**
6. A public servant who receives a show cause notice from the Civil Judge will send his reply with affidavit of himself and of witnesses, if any, and with all or any documentary evidence available with him for his or her defence within ten days from the receipt of the show cause notice. **Public Servant to reply affidavit.**
7. After receiving reply from the public servant if the Civil Judge thinks it necessary to call the applicant and the public servant for personal hearing, he will fix a date for the same and intimate about it to the applicant and the public servant concerned and after hearing the both, pass a necessary order under section 3 or dismiss the application. **Hearing and Disposal.**
8. The order of the Civil Judge shall be final, subject to any modifications alteration or correction made by the High Court in revision either on application of any party or suo moto. **Revision by High Court.**
9. No Court shall have jurisdiction to question the legality of any action taken or any decision given by the Civil Judge under this Act in connection with the contempt of the people by public servant and no suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act. **Protection for the acts done in good faith.**
10. Nothing in this act shall be deemed to prohibit or restrict any action for which the public servant is liable under any other law or rules for the time being in force. **No prohibition for action under other law.**
11. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. **Power to make rules.**
- (2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the Legislature may make during the session in which they are so laid or the session immediately following.
- (3) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall there upon take effect.

**STATEMENT OF OBJECTS AND REASONS**

The Constitution of India recognises dignity of the individual in the preamble but during these fifty five years of independence, people feel by experience that instead of peoples' rule public servant at many a times are openly disrespecting and insulting common people in the State and behaving many a times in such a way that people at large have been losing confidence in public administration and hence for the protection of the people from insult and disrespect by public servants and for assuring dignity of the individual some easy and quasi judicial summary remedies are necessary.

This Bill seeks to achieve the above objects.

Gandhinagar

Dated the 4th May, 2004.

SABIRBHAI KHEDAVALA

M.L.A.

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**MEMORANDUM REGARDING DELEGATED  
LEGISLATION**

Clause 11 of the Bill empowers the State Government to make rules for carrying out the purposes of the Act.

The delegation of legislative powers as aforesaid is assential and of normal character.

Gandhinagar

Dated the 4th May, 2004.

SABIRBHAI KHEDAVALA

M.L.A.

Gandhinagar,

Dated the 3<sup>rd</sup> June, 2004.

D. M. PATEL,

Secretary,

Gujarat Legislative Assembly.





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## PART - V

**Bills introduced in the Gujarat Legislative Assembly.**

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

**GUJARAT BILL NO. 30 OF 2004.**

**A BILL**

*further to amend the Bombay Stamp Act, 1958.*

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows:-

1. This Act may be called the Bombay Stamp (Gujarat Amendment) Act, 2004.

Short title.

Bom. LX of  
1958.

2. In the Bombay Stamp Act, 1958 (hereinafter referred to as the "the principal Act"), in section 32A,--

Amendment of  
section 32A of  
Bom. LX of  
1958.

(1) to sub-section (1), the following proviso shall be inserted, namely:--

"Provided that for the purpose of this sub-section, the consideration set forth in an instrument executed by the State Government, the Central Government, a local authority, Gujarat Housing Board, Gujarat Slum Clearance Board or Gujarat Industrial Development Corporation, shall be deemed to be the true market value of the property which is the subject matter of such instrument.";

(2) the proviso to sub-section (3) shall be deleted.

Amendment  
of section  
32B of Bom.  
LX of 1958.

3. In the principal Act, in section 32B, in sub-section (1), for the words "within a period of sixty days", the words "within a period of ninety days" shall be substituted.

Amendment  
of section 53  
of Bom. LX  
of 1958.

4. In the principal Act, in section 53, in sub-section (1), in the proviso, in clause (a), for the words "sixty days", the words "ninety days" shall be substituted.

Amendment  
of Schedule I  
to Bom. LX  
of 1958.

5. In the principal Act, in Schedule I,--

(1) in article 20, in clauses (a) and (b), for the words "Eight rupees", the words "Six rupees" shall be substituted;

(2) in article 27, in clause (b), in sub-clause (i), for the words "Eight rupees", the words "Six rupees" shall be substituted.

**STATEMENT OF OBJECTS AND REASONS**

This Bill seeks to amend the Bombay Stamp Act, 1958 with a view to giving effect to the proposal contained in the Budget speech of the Finance Minister in the Legislative Assembly on the 20<sup>th</sup> May, 2004.

An opportunity is taken to amend sections 32B and 53 of the Act so as to increase the statutory time-limit of sixty days to ninety days for the purpose of making an application against the order of the Collector.

**KAUSHIK PATEL.**

Dated the 4th June, 2004.

By order and in the name of the Governor of Gujarat,

**S.S. PARMAR,**

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

Gandhinagar  
Dated : 5th June, 2004

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*Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under  
the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

### THE GUJARAT SALES TAX (AMENDMENT) BILL, 2004.

GUJARAT BILL NO. 31 OF 2004.

### A BILL

*further to amend the Gujarat Sales Tax Act, 1969.*

It is hereby enacted in the Fifty-fifth Year of the Republic of India as  
follows:-

1. (1) This Act may be called the Gujarat Sales Tax (Amendment) Act, 2004.
- (2) It shall come into force on the 1<sup>st</sup> July, 2004.

Short title and  
commencement.

Guj. 1 of  
1970.

2. In the Gujarat Sales Tax Act, 1969 (hereinafter referred to as "the principal  
Act"), after section 55BB, the following new section shall be inserted, namely: -

Insertion  
of new  
section  
55BBB in Guj.  
1 of 1970.

Composition  
of tax on  
cooked food,  
etc. sold by  
restaurants,  
caterers, etc.

55BBB. (1) A dealer who is exclusively engaged in the sales of cooked food and such other goods as may be prescribed (hereinafter referred to as the prescribed goods"), when served, -

- (i) for consumption at or outside, or
- (ii) at functions and parties outside, -

any eating house, restaurant, hotel, refreshment room or boarding establishment, which is not a shop or establishment conducted primarily for the sale of sweetmeats, ice-cream, confectionery, cakes, biscuits or pastries, may make an application, at his option and in the prescribed manner, for the permission to pay in lieu of the amount of tax leviable from him under this Act in respect of the prescribed goods, a *lump sum* by way of composition at the rate specified in sub-section (2).

(2) The Commissioner may, in such circumstances and subject to such conditions as may be prescribed, permit a dealer referred to in sub-section (1) to pay, in lieu of the amount of tax leviable from him under this Act in respect of the prescribed goods, a *lump sum* by way of composition at the rate of four per cent. of the aggregate turnover of sales of prescribed goods:

Provided that the dealer who has been granted permission shall not be liable to pay *lump sum* amount under this sub-section if his aggregate turnover of the sales of prescribed goods, during the period of twelve months immediately preceding the month in which the application has been made under sub-section (1), has not exceeded ten lakhs rupees during such period:

Provided further that such dealer shall become liable to pay *lump sum* amount under this sub-section if his aggregate turnover of the sales of prescribed goods, during the period of twelve months from the date of application under sub-section (1) first exceeds ten lakhs rupees at any time during such period. He shall accordingly become liable to pay *lump sum* amount under this sub-section,-

- (i) from the date on which the aggregate turnover of the sales of prescribed goods first exceeds ten lakhs rupees, and
- (ii) on the amount of the aggregate turnover of the sales of prescribed goods made from the aforesaid date.

**Explanation 1.-** For the purpose of this section, the words "aggregate turnover of sales of prescribed goods" shall mean the aggregate of the amounts of sales price and other charges received or receivable by a dealer in respect of any sales and resales of prescribed goods (whether tax-free, exempt or taxable or otherwise under this Act) made at all the places of his business during the given period.

**Explanation II.**— For the removal of doubt, it is clarified that a dealer who has been granted permission under sub-section (2) shall continue to be liable to pay tax at the rate applicable on the sales or purchases of taxable goods other than the prescribed goods.

(3) The provisions of sections 13, 51 and 55 shall not be applied in respect of the prescribed goods, to a dealer who has been granted permission under sub-section (2)."

3. In the principal Act, in Schedule I, the entry at serial No. 23 shall be deleted.

Amendment  
of Schedule I  
to Guj. 1 of  
1970.

4. In the principal Act, in Schedule II Part A, in the entry at serial No. 88, in sub-entry (a), in column 2, the words "at one time at a price more than seventy five rupees per person" shall be deleted.

Amendment  
of  
Schedule II,  
Part A to  
Guj. 1 of  
1970.



**STATEMENT OF OBJECTS AND REASONS**

The Bill seeks to amend the Gujarat Sales Tax Act, 1969 with a view to giving effect to the proposal contained in the Budget speech of the Finance Minister in the Legislative Assembly on the 20<sup>th</sup> May, 2004.

**VAJUBHAI VALA****MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves delegation of legislative powers in the following respects:-

*Clause 2.-* (i) Sub-section (1) of section 55BBB proposed to be inserted by this clause empowers the State Government to prescribe by rules, cooked food and such other goods for levy of a *lump sum* by way of composition when served at or outside the eating house, restaurant, hotel, refreshment rooms or boarding establishments and the manner for making application for grant of permission to pay *lump sum* by way of composition in lieu of tax leviable;

(ii) sub-section 2 of section 55BBB proposed to be inserted by this clause empowers the State Government to prescribe by rules, the circumstances and conditions subject to which the Commissioner may permit the dealer for payment of a *lump sum* by way of composition in lieu of tax leviable.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 4th June, 2004.

**VAJUBHAI VALA.**

By order and in the name of the Governor of Gujarat,

**S.S. PARMAR,**

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

Gandhinagar

Dated : 5th June, 2004



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# The Gujarat Government Gazette EXTRAORDINARY

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Vol. XLV]

MONDAY, JUNE 7, 2004/JYAISTHA 17, 1926

Separate paging is given to this Part in order that it  
may be filed as a Separate Compilation.

## PART - V

**Bills introduced in the Gujarat Legislative Assembly.**

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE BOMBAY ELECTRICITY DUTY (GUJARAT AMENDMENT)

BILL, 2004.

THE GUJARAT BILL NO. 32 OF 2004.

A BILL

*further to amend the Bombay Electricity Duty Act, 1958.*

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows:-

1. (1) This Act may be called for Bombay Electricity Duty (Gujarat Amendment) Act, 2004.

Short title  
and  
commence-  
ment.

- (2) It shall come into force on the 1<sup>st</sup> July, 2004.

Bom.XL of  
1958.

2. In the Bombay Electricity Duty Act, 1958 (hereinafter referred to as "the principal Act"), in section 3, in sub-section (2), after clause (iii), the following clause shall be inserted, namely :-

Amendment  
of section 3  
of Bom. XL  
of 1958.

"(iii-a) in respect of pumping water for agricultural irrigation purposes including energy consumed for lighting the premises used as a pump house;"

Amendment  
of Schedule  
I to Bom.  
XL of 1958.

3.

In the principal Act, in Schedule I, in Part I, item (6) and the *Explanation* thereunder shall be deleted.

Amendment  
of Schedule  
II to Bom.  
XL of 1958.

4.

In the principal Act, in Schedule II, in Part I, in item (6), in column 2, for the figures and words "20 paise per unit", the figures and words "40 paise per unit" shall be substituted.



**STATEMENT OF OBJECTS AND REASONS**

This Bill seeks to amend the Bombay Electricity Duty Act, 1958 with a view to giving effect to the proposal contained in the Budget Speech of the Finance Minister, in the Gujarat Legislative Assembly on the 20<sup>th</sup> May, 2004.

Dated the 5th June, 2004.

**SAURABH PATEL.**

By order and in the name of the Governor of Gujarat,

**S.S. PARMAR,**

Gandhinagar,  
Dated the 7<sup>th</sup> June, 2004.

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

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Government Central Press, Gandhinagar.



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## PART - V

**Bills introduced in the Gujarat Legislative Assembly.**

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT APPROPRIATION BILL, 2004.

GUJARAT BILL NO. 33 OF 2004.

#### A BILL

*to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2005.*

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Appropriation Act, 2004.
2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of twenty-one thousand six hundred fifty nine crore, twenty lakhs, two thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2004-05 in respect of the services and purposes specified in column 2 of the Schedule.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Short title.

Withdrawal of  
Rs. 2,16,59,20,02,000  
from and out of the  
Consolidated Fund of  
the State of Gujarat  
for the financial year  
2004-2005.

Appropriation.

**SCHEDULE**  
(See Sections 2 and 3)

No. of Vote / Appro- priation	Services and Purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
			Rs.	Rs.	Rs.
1	Agriculture and Co-operation Department	Revenue	25795000	0	25795000
2	Agriculture	Revenue	3250821000	69000	3250890000
		Capital	9933000	0	9933000
3	Minor Irrigation, Soil Conservation and Area Development	Revenue	135932000	0	135932000
		Capital	7000	0	7000
4	Animal Husbandry and Dairy Development	Revenue	433983000	0	433983000
5	Co-operation	Revenue	230828000	0	230828000
		Capital	9867000	0	9867000
6	Other Expenditure pertaining to Agriculture and Co- operation Department	Capital	61610000	0	61610000
7	Education Department	Revenue	19463000	0	19463000
8	Education	Revenue	25472102000	787433000	26259535000
9	Other Expenditure pertaining to Education Department	Revenue	7450000	0	7450000
		Capital	216917000	0	216917000
10	Energy and Petro-Chemicals Department	Revenue	12647000	0	12647000
11	Tax Collection Charges (Energy and Petro-Chemicals Department)	Revenue	39977000	0	39977000



No. of Vote / Appro- priation	Services and Purposes		Sums not exceeding		Total
			Voted	Charged on the Consolidated Fund	
1	2		3		
12	Energy Projects	Revenue	13550927000	5000000	13555927000
		Capital	2268754000	0	2268754000
13	Other Expenditure Pertaining to Energy and Petro- Chemicals Department	Revenue	1000000	0	1000000
		Capital	31633000	0	31633000
14	Finance Department	Revenue	45510000	0	45510000
		Capital	600000	0	600000
15	Tax Collection Charges (Finance Department)	Revenue	459739000	0	459739000
16	Treasury and Accounts Administration	Revenue	297133000	0	297133000
17	Pension and Other Retirement Benefits.	Revenue	9076314000	667000	9076981000
18	Other Expenditure pertaining to Finance Department	Revenue	2413200000	0	2413200000
		Capital	2030232000	67000	2030299000
19	Repayment of debt pertaining to Finance Department and its Servicing	Revenue	0	36866592000	36866592000
		Capital	0	16103055000	16103055000
20	Food, Civil Supplies and Consumer Affairs Department	Revenue	47367000	0	47367000
21	Civil Supplies	Revenue	928280000	0	928280000
22	Food	Revenue	81066000	0	81066000
		Capital	1333000	0	1333000
23	Other Expenditure pertaining to Food, Civil Supplies and Consumer Affairs Department	Capital	3267000	0	3267000
24	Forests and Environment Department	Revenue	12273000	0	12273000

No. of Vote / Appro- priation	Services and Purposes	Sums not exceeding			
		Voted	Charged on the Consolidated Fund	Total	
1	2	3			
25	Forests	Revenue	797042000	71000	797113000
		Capital	493194000	0	493194000
26	Environment	Revenue	34933000	0	34933000
27	Other Expenditure pertaining to Forests and Environment Department	Capital	31350000	0	31350000
28	Governor	Revenue	0	15634000	15634000
29	Council of Ministers	Revenue	9834000	0	9834000
30	Elections	Revenue	505607000	0	505607000
31	Public Service Commisssion	Revenue	13391000	18322000	31713000
32	General Administration Department	Revenue	165887000	0	165887000
33	Economic Advice and Statistics	Revenue	49616000	0	49616000
34	Other Expenditure pertaining to General Administration Department	Revenue	1168560000	427000	1168987000
		Capital	6731377000	0	6731377000
35	State Legislature	Revenue	57357000	849000	58206000
36	Loans and Advances to Government Servants in Gujarat Legislature Secretariat	Capital	1338000	0	1338000
37	Health and Family Welfare Department	Revenue	41404000	0	41404000
			0	0	0
38	Medical and Public Health	Revenue	4909700000	0	4909700000
			0	0	0
39	Family Welfare	Revenue	802909000	0	802909000
40	Other Expenditure pertaining to Health and Family Welfare Department	Revenue	930000	0	930000
		Capital	40047000	0	40047000

No. of Vote / Appro- priation	Services and Purposes	Sums not exceeding			
		Voted	Charged on the Consolidated Fund	Total	
1	2	3			
41	Home Department	Revenue	60808000	0	60808000
42	Police	Revenue	5587621000	0	5587621000
43	Jails	Revenue	181284000	0	181284000
44	Transport	Revenue	1350903000	0	1350903000
		Capital	1336533000	0	1336533000
45	State Excise	Revenue	32856000	0	32856000
46	Other Expenditure pertaining to Home Department	Revenue	314987000	200000	315187000
		Capital	1439772000	0	1439772000
47	Industries and Mines Department	Revenue	33731000	0	33731000
48	Stationery and Printing	Revenue	232878000	0	232878000
49	Industries	Revenue	1357854000	0	1357854000
		Capital	(-)319867000	0	(-)319867000
50	Mines and Minerals	Revenue	144187000	0	144187000
51	Tourism	Revenue	102694000	0	102694000
52	Other Expenditure pertaining to Industries and Mines Department	Revenue	59567000	0	59567000
		Capital	53373000	0	53373000
53	Information and Broadcasting Department	Revenue	3630000	0	3630000
54	Information and Publicity	Revenue	155533000	0	155533000
55	Other Expenditure pertaining to Information and Broadcasting Department	Revenue	19675000	0	19675000
		Capital	5867000	0	5867000



No. of Vote / Appro- priation	Services and Purposes	Sums not exceeding			Total
		Voted	Charged on the Consolidated Fund		
1	2	3			
56	Labour and Employment Department	Revenue	15767000	0	15767000
57	Labour and Employment	Revenue	636145000	0	636145000
58	Other Expenditure pertaining to Labour and Employment Department	Capital	37280000	0	37280000
59	Legal Department	Revenue	61369000	0	61369000
60	Administration of Justice	Revenue	888094000	133576000	1021670000
61	Other Expenditure pertaining to Legal Department	Revenue	80500000	0	80500000
		Capital	19370000	0	19370000
62	Legislative and Parliamentary Affairs Department	Revenue	13878000	0	13878000
63	Other Expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	470000	0	470000
64	Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	36227000	0	36227000
65	Narmada Development Scheme	Capital	5395991000	0	5395991000
66	Irrigation and Soil Conservation	Revenue	15248868000	2930000	15251798000
		Capital	7905288000	7064000	7912352000
67	Water Supply	Revenue	1026860000	0	1026860000
		Capital	5180953000	0	5180953000
68	Other Expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	0	21834000	21834000
		Capital	93867000	0	93867000
69	Panchayats, Rural Housing and Rural Development Department	Revenue	21620000	0	21620000

No. of Vote / Appro- priation	Services and Purposes		Sums not exceeding		Total
			Voted	Charged on the Consolidated Fund	
1	2		3		
70	Community Development	Revenue	2472249000	0	2472249000
71	Rural Housing and Rural Development	Revenue	1882984000	939728000	2822712000
72	Compensation and Assignments	Revenue	461868000	0	461868000
73	Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	604457000	0	604457000
		Capital	136867000	0	136867000
74	Fisheries	Revenue	244539000	0	244539000
		Capital	(-)5345000	0	(-)5345000
75	Other Expenditure pertaining to Ports and Fisheries Department	Revenue	5967000	0	5967000
		Capital	2067000	0	2067000
76	Revenue Department	Revenue	76923000	0	76923000
77	Tax Collection Charges (Revenue Department)	Revenue	417250000	25000	417275000
78	District Administration	Revenue	506198000	628000	506826000
79	Relief on account of Natural Calamities	Revenue	2527600000	0	2527600000
80	Dangs District	Revenue	132969000	0	132969000
81	Compensation and Assignments	Revenue	153787000	1094000	154881000
		Capital	3209000	133000	3342000
82	Other Expenditure pertaining to Revenue Department	Revenue	4907000	0	4907000
		Capital	25087000	0	25087000
83	Roads and Buildings Department	Revenue	38713000	0	38713000
84	Non-Residential Buildings	Revenue	1359113000	1788000	1360901000
		Capital	759854000	0	759854000

No. of Vote / Appropriation	Services and Purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
85	Residential Buildings	Revenue	480937000	1580000	482517000
		Capital	116461000	0	116461000
86	Roads and Bridges	Revenue	3275219000	3139000	3278358000
		Capital	3445644000	1350000	3446994000
87	Gujarat Capital Construction Scheme	Revenue	54814000	0	54814000
		Capital	143967000	0	143967000
88	Other Expenditure pertaining to Roads and Buildings Department	Revenue	67387000	5319000	72706000
		Capital	37583000	0	37583000
89	Science and Technology Department	Revenue	215470000	0	215470000
90	Other Expenditure pertaining to Science and Technology Department	Revenue	224815000	0	224815000
		Capital	44310000	0	44310000
91	Social Justice and Empowerment Department	Revenue	14533000	0	14533000
92	Social Security and Welfare	Revenue	1610422000	5333000	1615755000
		Capital	12017000	0	12017000
93	Welfare of Scheduled Tribes	Revenue	378891000	0	378891000
		Capital	11667000	0	11667000
94	Other Expenditure pertaining to Social Justice and Empowerment Department	Capital	9317000	0	9317000
95	Special Component Plan for Scheduled Castes	Revenue	2023033000	0	2023033000
		Capital	134600000	0	134600000
96	Tribal Area Sub-Plan	Revenue	5091638000	124000	5091762000
		Capital	1651284000	14000	1651298000
97	Sports, Youth and Cultural Activities Department	Revenue	6700000	0	6700000
98	Youth Services and Cultural Activities	Revenue	170138000	0	170138000



No. of Vote / Appro- priation	Services and Purposes		Sums not exceeding		Total
			Voted	Charged on the Consolidated Fund	
1	2		3		
99	Other Expenditure pertaining to Sports, Youth and Cultural Activities Department	Capital	3353000	0	3353000
100	Urban Development and Urban Housing Department	Revenue	10390000	0	10390000
101	Urban Housing	Revenue	16468000	368669000	385137000
102	Urban Development	Revenue	2163167000	0	2163167000
		Capital	1062000	0	1062000
103	Compensation, Assignments and Tax Collection Charges	Revenue	413333000	133402000	546735000
104	Other Expenditure pertaining to Urban Development and Urban Housing Department	Revenue	6578000	0	6578000
		Capital	3943000	0	3943000
105	Women and Child Development Department	Revenue	4867000	0	4867000
106	Other Expenditure pertaining to Women and Child Development Department	Revenue	1659740000	3333000	1663073000
		Capital	673000	0	673000
Total :			Revenue	121544577000	39317766000
			Capital	39617976000	16111683000
Grand Total :-			161162553000	55429449000	216592002000

**STATEMENT OF OBJECTS AND REASONS**

Article 204(1) of the Constitution of India requires that as soon as may be after the grants have been made by the Assembly, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of the State, of all moneys required to meet-

- (a) the grants so made by the Assembly, and
- (b) the expenditure charged on the Consolidated Fund of the State but not exceeding in any case the amount shown in the Statement previously laid before the Legislative Assembly.

The Bill accordingly specifies the gross amount required to meet grants made by the Assembly and the expenditure charged on the Consolidated Fund of the State for the financial year ending on the 31st March, 2005.

The amounts are shown below :- Rs.

(a)	Revenue Expenditure	1,60,86,23,43,000
(b)	Capital Expenditure	55,72,96,59,000

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Total	2,16,59,20,02,000
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Dated the 9<sup>th</sup> June, 2004.

**VAJUBHAI VALA.**

By order and in the name of the Governor of Gujarat,

**S.S. PARMAR,**

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

Gandhinagar,  
Dated the 9<sup>th</sup> June, 2004.